



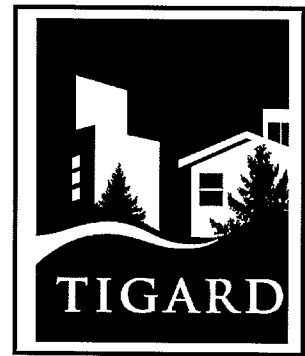
**TIGARD CITY COUNCIL  
WORKSHOP MEETING**

**April 18, 2006**

**6 p.m. – Executive Session**

**6:30 p.m. – Workshop Meeting**

**TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223**



**PUBLIC NOTICE:**

Upon request, the City will endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

**SEE ATTACHED AGENDA**

A G E N D A  
TIGARD CITY COUNCIL WORKSHOP MEETING  
APRIL 18, 2006

6:00 PM

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations under ORS 192.660(2)(d). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

6:30 PM

1. WORKSHOP MEETING
  - 1.1 Call to Order – Tigard City Council
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
2. ANNUAL JOINT MEETING WITH THE LIBRARY BOARD
  - ♦ Staff Report: Library Department
3. PRESENTATION ON 2006 TIGARD FESTIVAL OF BALLOONS
  - ♦ Staff Introduction: Public Works Department
  - ♦ Event Organizer: Dave Nicoli
4. DISCUSS WASHINGTON SQUARE SHOPPING CENTER WITH JOHN GENOVESE OF MACERICH CORPORATION
  - ♦ Staff Introduction: Community Development Department
5. DISCUSS GREENBURG ROAD ALTERNATIVES ANALYSIS REPORT
  - ♦ Staff Report: Engineering Department
6. JOINT MEETING WITH THE PLANNED DEVELOPMENT COMMITTEE TO DISCUSS PLANNED DEVELOPMENT CODE REVISION
  - ♦ Staff Report: Community Development Department

7. DISCUSS PROPOSED AMENDMENTS TO THE TIGARD MUNICIPAL CODE TO CREATE A RIGHTS-OF-WAY ORDINANCE WITH A STREET-CUT MORATORIUM
  - ◆ Staff Report: Engineering Department
8. DISCUSS REVISIONS TO THE TIGARD MUNICIPAL CODE TO INCORPORATE A PRIVILEGE TAX
  - ◆ Staff Report: Engineering Department
9. COUNCIL LIAISON REPORTS
10. NON AGENDA ITEMS
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT

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CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Joint Meeting with the Library Board

PREPARED BY: Margaret Barnes DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

This is the regularly scheduled, annual joint meeting between City Council and the Library Board.

STAFF RECOMMENDATION

N/A

INFORMATION SUMMARY

Annual meeting with the Library Board to provide information to the City Council. The Library Board is prepared to update the Council about the following areas of library service.

- Highlight various areas of the collection and get acquainted with services
- Update on statistics
- Annual Patron Survey results
- Discussion on the Importance of Quality of Services

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #2: A wide array of opportunities for life-long learning are available in a variety of formats and used by the community.

Goal #3: Adequate facilities are available for efficient delivery of life-long learning programs and services for all ages.

ATTACHMENT LIST

None.

FISCAL NOTES



None.



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF April 18, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Presentation on the 2006 Tigard Festival of Balloons

PREPARED BY: Dennis Koellermeier DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

No action required. The Council is being asked to listen to a presentation on the 2006 Tigard Festival of Balloons.

STAFF RECOMMENDATION

No recommendation.

INFORMATION SUMMARY

The City of Tigard has played a role in the Tigard Festival of Balloons for many years. Event organizer, Mr. Dave Nicoli, will brief the Council on plans for the upcoming 2006 festival.

OTHER ALTERNATIVES CONSIDERED

Not applicable.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Not applicable.

ATTACHMENT LIST

None.

FISCAL NOTES

In 2000, the Council approved Resolution No. 00-20, in which the City of Tigard guaranteed \$10,000 in annual funding for the Tigard Festival of Balloons. This funding falls within the City's social services and community events budget. Additionally, Tigard's Police and Public Works Departments have historically provided substantial in-kind services and support for the event.

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF \_\_\_\_\_

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Washington Square Discussion

PREPARED BY: Tom Coffee DEPT HEAD OK TC CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Opportunity to discuss issues of common concern with representatives of Washington Square.

STAFF RECOMMENDATION

No action is requested.

INFORMATION SUMMARY

During the opening of the Washington Square Expansion, the Mayor and John Genovese of the Macerich Corporation discussed the possibility of a future meeting with City Council to discuss issues of common concern. This workshop agenda item has been scheduled to allow for that discussion.

OTHER ALTERNATIVES CONSIDERED

N/A

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Communication: 1) The City will maximize accessibility to information in a variety of formats, providing opportunities for input on community issues and effective two-way communication.

ATTACHMENT LIST

N/A

FISCAL NOTES

N/A

AGENDA ITEM # \_\_\_\_\_

FOR AGENDA OF April 18, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Greenburg Road Alternatives Analysis Report

PREPARED BY: A.P. Duenas DEPT HEAD OK A.P. Duenas CITY MGR OK cd

ISSUE BEFORE THE COUNCIL

Presentation to Council of the findings of the study conducted to evaluate circulation issues and impacts of various alternatives aimed at improving performance at the Highway 99W/Greenburg Road/Main Street intersection.

STAFF RECOMMENDATION

That Council discuss and provide input on the alternatives examined for improved performance at that intersection.

INFORMATION SUMMARY

An alternatives analysis was conducted to examine circulation issues and impacts of various alternatives aimed at improving performance at the Greenburg Road/Highway 99W/Main Street intersection. The current level of service on Greenburg Road at Highway 99W is extremely poor especially in the afternoon peak travel hours with vehicles waiting through multiple traffic cycles to clear the intersection. In addition, forecasts for Highway 99W along this area show it is well over capacity in future demand. The County-funded project at the Hall Blvd/Highway 99W intersection will greatly improve traffic circulation at that intersection. However, improvements to the Greenburg Road intersection with Highway 99W will be necessary to complement those improvements and ensure coordinated movements between those two closely-spaced intersections.

The findings of the study will be presented to Council at this meeting for discussion and input. The alternative that works best will be selected after Council input and will establish the basis for a future project for implementation.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Traffic circulation improvements at the Greenburg Road/Highway 99W/Main Street intersection addresses the Council Goal to "Improve 99W Corridor." These improvements also support the Tigard Beyond Tomorrow Transportation and Traffic goals of "Improve Traffic Flow" and "Improve Traffic Safety."

ATTACHMENT LIST

Draft Memorandum from DKS Associates dated December 15, 2005. Subject: Tigard OR 99W/SW Greenburg Road Alternatives Study

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## FISCAL NOTES

The alternatives examined are conceptual in nature to determine what works best to alleviate congestion and improve circulation at this intersection. No cost estimates have been prepared at this point. The alternative that appears best able to achieve those goals without creating significantly adverse impacts on other City streets may be a candidate project for funding for funding through a new funding source, such as a local gas tax.

1400 SW 5<sup>th</sup> Avenue, Suite 500  
Portland, OR 97201  
Phone: (503) 243-3500  
Fax: (503) 243-1934

## **DRAFT MEMORANDUM**

**TO:** Gus Duenas, City of Tigard  
**FROM:** Randy McCourt, P.E., P.T.O.E.  
Nate Schroeder  
**DATE:** December 15, 2005  
**SUBJECT:** Tigard OR 99W/SW Greenburg Road Alternatives Study P05227-000-000

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This memorandum summarizes the transportation analysis conducted for the OR 99W corridor from OR 217 to SW Johnson Street in Tigard, Oregon. The primary purpose of this study is to evaluate circulation issues and impacts of various operation alternatives to improve performance at the OR 99W/SW Greenburg Road intersection.

### **EXECUTIVE SUMMARY**

#### **Project Description**

The intersection of OR 99W and SW Greenburg Road is located in downtown Tigard, as shown in Figure 1. The OR 99W corridor is designated by ODOT as a highway of statewide importance, and carries between 41,000 and 45,000 vehicles per day<sup>1</sup>. Improvements to the OR 99W/SW Hall Boulevard intersection are currently being considered by Washington County through MSTIP<sup>2</sup>. This project focuses on improvements to the OR 99W/SW Greenburg Road intersection.

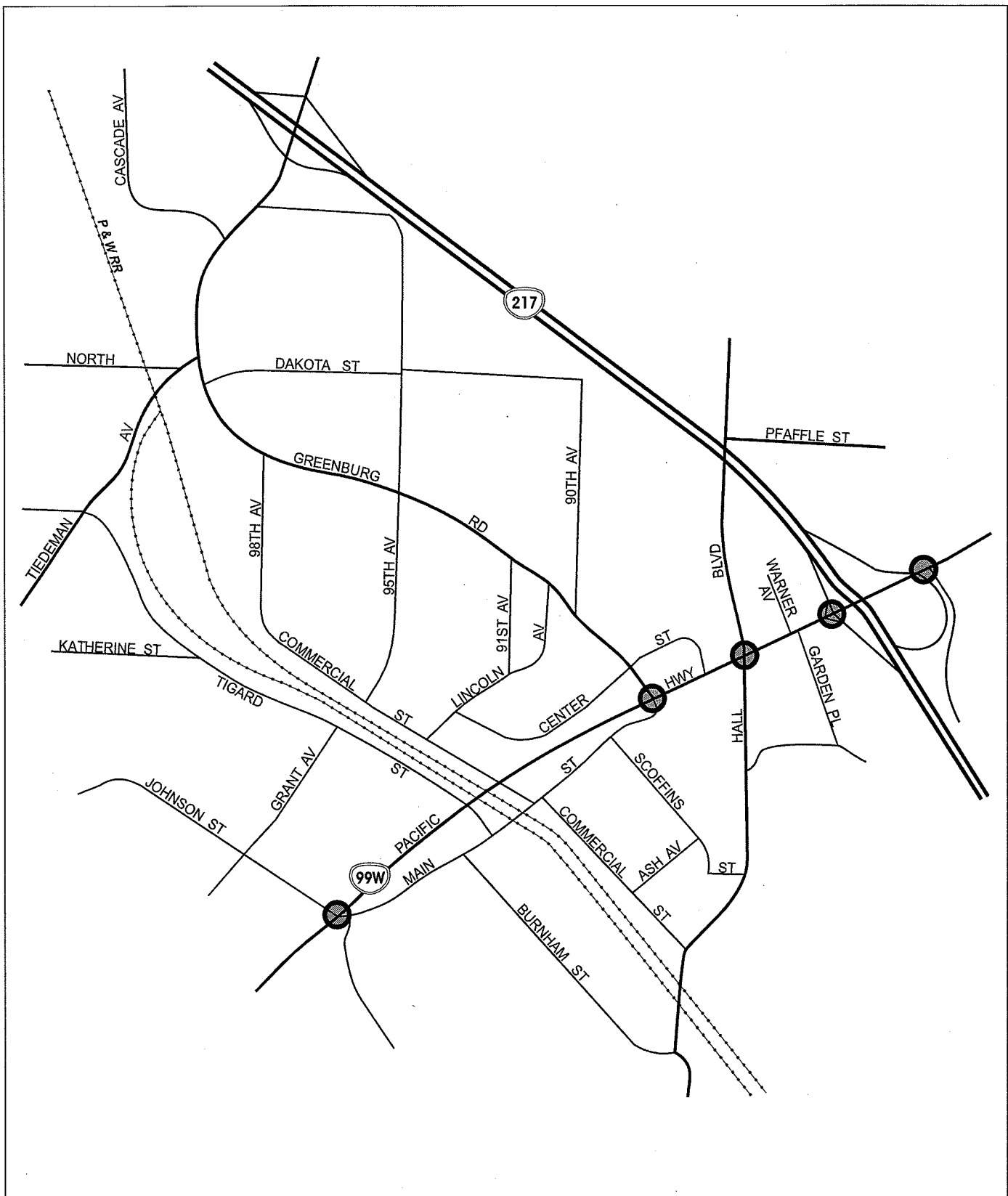
#### **Existing Conditions**

Currently, all intersections within the study area operate at level-of-service (LOS) D or better during the PM peak hour. There are however, extensive queuing deficiencies at the intersection of OR 99W and SW Hall Boulevard, and along the OR 99W corridor within the study area, which back up between intersections due to closely spaced intersections. Vehicle delay is also a problem along the OR 99W corridor under existing conditions, where the AM and PM peak hour arterial level-of-service is F.

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<sup>1</sup> 2004 Volume Tables, Oregon Department of Transportation.

<sup>2</sup> MSTIP = Major Streets Transportation Improvement Program



**LEGEND**

● - Study Intersections

**DKS Associates**  
TRANSPORTATION SOLUTIONS



**Figure 1**  
**STUDY AREA**

## **Future Operations and Recommendations**

There is currently a plan to improve the OR 99W/SW Hall Boulevard intersection, and these improvements were assumed in the analysis of this project. The proposed upgrades to the OR 99W/SW Hall Boulevard intersection includes:

- Adding a northbound left-turn lane, which eliminates the need for split phasing
- The addition of a southbound right-turn lane
- An additional eastbound through lane that would continue from just east of SW Greenburg Road to the OR 217 SB on/off-ramps

These enhancements improve the operations of that specific intersection; vehicle delay is decreased and the volume-to-capacity ratio is improved. However, the average delay per vehicle traveling along OR 99W is increased at the OR 99W/SW Greenburg Road intersection. Several alternative improvements to OR 99W/SW Greenburg Road were considered. Improvements to the OR 99W/SW Greenburg Road intersection that would further improve the operations of the OR 99W corridor includes the following:

- Adding dedicated left-turn lanes to both northbound and southbound approaches, which eliminates the need for split phasing and improves operational efficiency
- Continuation of eastbound through lane from SW Hall Boulevard through SW Greenburg Road intersection

Under longer term future conditions, additional mitigations are required to achieve acceptable LOS requirements. The City's Transportation System Plan call for other roadway and intersection improvements that would cumulatively address future capacity needs in this study area. A phasing plan will be needed from the short term to the long term to address what could ultimately be more than five million dollars of roadway improvements. These potential mitigations include:

- Widen OR 99W to seven lanes from SW Greenburg Road to OR 217 and beyond
- Additional northbound left-turn lane at OR 99W/OR 217 NB off-ramp intersection
- Additional southbound right-turn lane at OR 99W/OR 217 SB off-ramp intersection
- Dedicated westbound right-turn lane at OR 99W/SW Hall Boulevard
- Additional northbound and southbound through lanes on SW Hall Boulevard at OR 99W as part of the five lane roadway improvement
- Dual southbound left-turn lanes at OR 99W/SW Hall Boulevard
- Dual southbound left-turn lane at OR 99W/SW Greenburg Road

## **BACKGROUND**

### **Study Area**

The intersections selected for this study were those closest to the OR 99W/SW Greenburg Road intersection. A total of five signalized intersections were included for analysis along the OR 99W corridor. These intersections operate under actuated-coordinated conditions. As maintained by ODOT.

## Roadway Network

Table 1 identifies the key roadways located in the study area, their functional classification, and approximate average daily traffic. These roadways are shown in Figure 1.

**Table 1: Roadway Network Summary**

Roadway	Motor Vehicle Functional Class				Approximate ADT
	ODOT <sup>3</sup>	Metro <sup>4</sup>	Wash. Co. <sup>5</sup>	Tigard <sup>6</sup>	
OR 217	State Highway	Principal Arterial (freeway)	Freeway	Freeway	118,300 <sup>7</sup> N/O OR 99W 99,200 <sup>7</sup> S/O OR 99W
OR 99W	State Highway	Major Arterial	Arterial	Arterial	46,600 <sup>7</sup>
SW Hall Boulevard	District Highway	Minor Arterial	Arterial	Arterial	10,600 <sup>7</sup> N/O OR 99W 11,800 <sup>7</sup> S/O OR 99W
SW Greenburg Road	N/A	Major Arterial	Arterial	Arterial	10,000 <sup>8</sup> N/O OR 99W 6,900 <sup>8</sup> S/O OR 99W
SW Johnson Street	N/A	N/A	Neighborhood Route	Neighborhood Route	3,100 <sup>8</sup> N/O OR 99W 6,400 <sup>8</sup> S/O OR 99W

Notes:

N/A = Not Applicable  
 N/D = No Data Available

N/O = North of  
 S/O = South of

## Other Modes of Transportation

Within the study area there are several other modes of transportation. Bicycles and pedestrians are accommodated throughout most of the study area, and at most of the study intersections. The most significant pedestrian activity occurs at the OR 99W/SW Greenburg Road intersection, where a total of 58 pedestrians utilized the intersection during the PM peak hour. Other intersections only had 3 to 25 pedestrians during the PM peak hour. Within the study area, dedicated bike lanes are provided

along most of OR 99W, along SW Greenburg Road north of OR 99W, and along SW Hall Boulevard. Table 2 summarizes the PM peak hour bicycle activity at each of the study intersections. Bicycle traffic diminishes significantly near the OR 99W/OR 217 interchange.



<sup>3</sup> 1999 Oregon Highway Plan, Appendix D, Oregon Department of Transportation.

<sup>4</sup> Regional Transportation Plan, Figure 1.13, Metro, 2004.

<sup>5</sup> 2002 Transportation System Plan, Exhibit 12, Washington County.

<sup>6</sup> Transportation System Plan, Chapter 8, City of Tigard.

<sup>7</sup> 2004 Transportation Volume Tables, Oregon Department of Transportation, Traffic Counting Program.

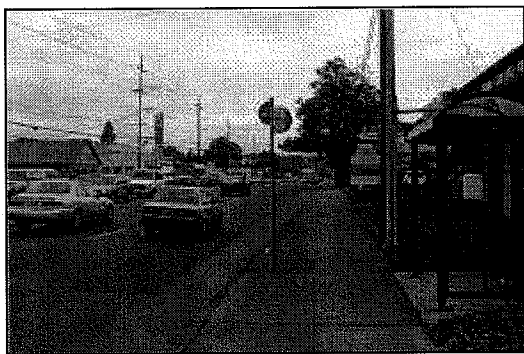
<sup>8</sup> ADT estimated based on PM peak hour counts conducted by All Traffic Data on September 22, 2005.



**Table 2: PM Peak Hour Bicycle Activity**

<i>Intersection</i>	<i>Northbound</i>	<i>Southbound</i>	<i>Eastbound</i>	<i>Westbound</i>	<i>Total</i>
OR 99W/OR 217 NB Ramps <sup>9</sup>	0	0	0	0	0
OR 99W/OR 217 SB Ramps <sup>9</sup>	0	0	1	0	1
OR 99W/SW Hall Blvd. <sup>10</sup>	4	2	2	1	9
OR 99W/SW Greenburg Rd. <sup>10</sup>	1	3	1	7	12
OR 99W/SW Johnson St. <sup>10</sup>	1	4	3	2	10

Note: Assumes OR 99W is an east-west roadway



There are also several transit routes in the area, which are summarized in Table 3. Several bus routes utilize the Tigard Transit Center that is located on SW Commercial Street in downtown Tigard. Bus route #12 is a frequent service route, and bus routes #64, #94, and #95 are rush-hour service routes, which provide service only during the peak hour in the direction of highest demand. Bus routes on OR 99W are impacted by congestion during the peak periods. Bus routes #45, #76, and #78 provide standard service, which may be limited during off-peak hours depending on route. Commuter rail is also being developed for the region and will utilize the railroad tracks that run through Tigard. It is assumed approximately 35-50 additional trains will run through the downtown Tigard area daily, after full implementation of the commuter rail program<sup>11</sup>.

**Table 3: TriMet Bus Routes in the Study Area**

<i>Route</i>	<i>Primary Roadways Traveled</i>	<i>PM Headway<sup>12</sup></i>	<i>Approximate LOS</i>	<i>Service Type</i>	<i>Utilizes Tigard TC</i>
#12 (Barbur Blvd.)	OR 99W, Main St., Commercial St.	15 mins.	C	Frequent Service	Yes
#45 (Garden Home)	Johnson St., Main St., Commercial St.	20-30 mins.	D	Standard Service	Yes
#64 (Marquam Hill/Tigard TC)	OR 99W, Main St., Commercial St.	30-35 mins.	E	Rush-hour Service	Yes
#76 (Beaverton/Tualatin)	Hall Blvd., Commercial St., Main St., Greenburg Rd.	30 mins.	D	Standard Service	Yes
#78 (Beaverton/Lake Oswego)	Hunziker Rd., Hall Blvd., Commercial St., Main St., Greenburg Rd.	30 mins.	D	Standard Service	Yes
#94 (Sherwood/Pacific Hwy Express)	OR 99W	10 mins.	B	Rush-hour Service	No
#95 (Tigard/I-5 Express)	OR 99W	20-30 mins.	D	Rush-hour Service	No

Level of Service (LOS) for transit service based on headway: less than 10 minutes = LOS A; 10-14 minutes = LOS B; 14-20 minutes = LOS C; 20-30 minutes = LOS D; 30-60 minutes = LOS E; and greater than 60 minutes = LOS F.

<sup>9</sup> Based on traffic counts performed by Traffic Smithy Inc. on May 4, 2004.

<sup>10</sup> Based on traffic counts performed by All Traffic Data on September 22, 2005.

<sup>11</sup> Based on phone conversation with Larry Phipps of Portland & Western Railroad Inc. on September 27, 2005.

<sup>12</sup> Headways approximated based on bus schedules located online at trimet.org.

## EXISTING MOTOR VEHICLE OPERATION

### Traffic Counts

Traffic counts were conducted at the five intersections located along the OR 99W corridor from SW Johnson Street to OR 217. The study intersections included the OR 217 northbound ramps, the OR 217 southbound ramps, SW Hall Boulevard, SW Greenburg Road, and SW Johnson Street. The intersections were counted during the PM peak period (4:00 PM to 6:00 PM) on a weekday during September 2005<sup>13</sup>. The existing traffic volumes are shown in Figure 2.

### Traffic Performance

An intersection performance analysis was conducted using the PM peak hour volumes and Synchro<sup>14</sup> software to determine the level of service and volume-to-capacity ratios based on the *Highway Capacity Manual 2000* methodology for signalized intersections<sup>15</sup>. Level of service (LOS) is used as a measure of effectiveness for intersection operation based upon average vehicle delay. LOS A, B, and C indicate conditions where vehicles can move freely. LOS D and E are progressively worse, and LOS F represents conditions where traffic volumes exceed the capacity of a specific movement resulting in long vehicle queues and delays. Table 4 summarizes existing PM peak hour traffic conditions.

**Table 4: Intersection Performance for Existing 2005 PM Peak Hour Conditions**

Study Intersection	Delay	LOS	V/C
<i>Signalized</i>			
OR 99W/OR 217 NB Ramps	8.8	A	0.68
OR 99W/OR 217 SB Ramps	23.2	C	0.76
OR 99W/SW Hall Blvd.	48.0	D	0.90
OR 99W/SW Greenburg Road/SW Main St.	40.9	D	0.88
OR 99W/SW Johnson St./SW Main St.	19.9	B	0.77

LOS = Level of Service

A/A = Major Street LOS/Minor Street LOS

Signalized Delay = Average Control Delay per Vehicle

V/C = Volume-to-Capacity Ratio

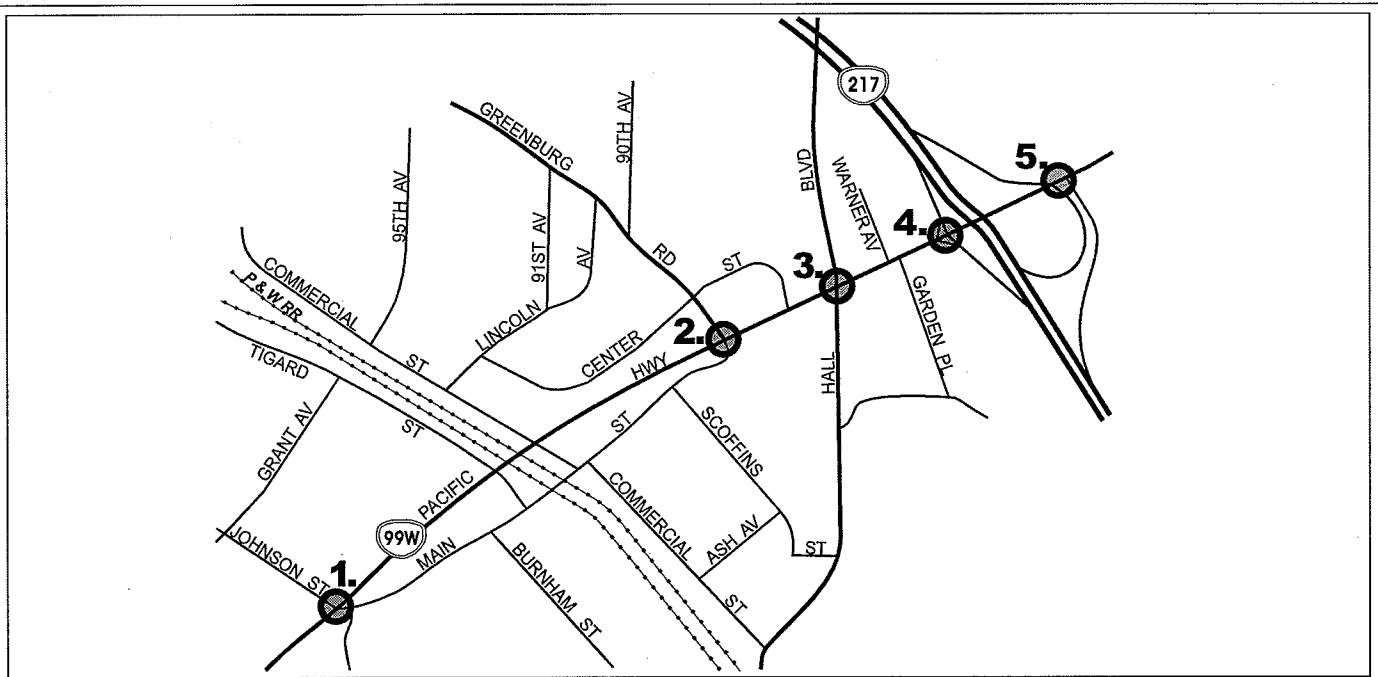
All of the study intersections currently operate within the operational standards set by the Oregon Department of Transportation (ODOT). According to ODOT, the intersections along OR 99W are required to have a volume-to-capacity ratio of 0.95 or better<sup>16</sup>. The intersections perform slightly worse than documented in the Tigard TSP for 1999 conditions.

<sup>13</sup> Traffic counts conducted by All Traffic Data, Inc. on September 22, 2005.

<sup>14</sup> Synchro 6, Traffic Signal Coordination Software, Trafficware, 2003, Version 6 (Build 612).

<sup>15</sup> *Highway Capacity Manual 2000*, Transportation Research Board, Washington, D.C., 2000, Chapter 16.

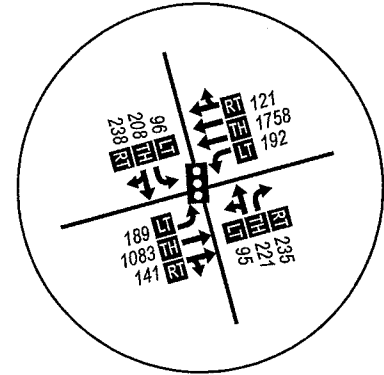
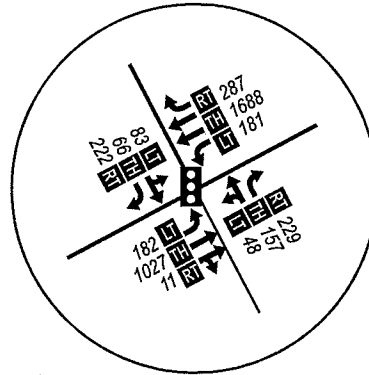
<sup>16</sup> *1999 Oregon Highway Plan*, Alternative Highway Mobility Standards, Table 7, Oregon Department of Transportation.



**1. 99W @ Main & Johnson**

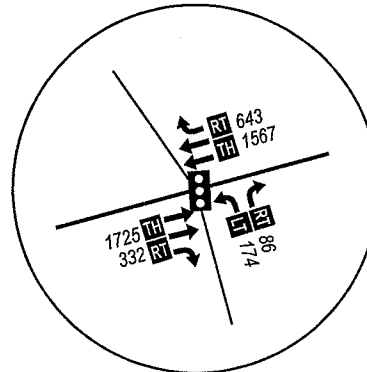
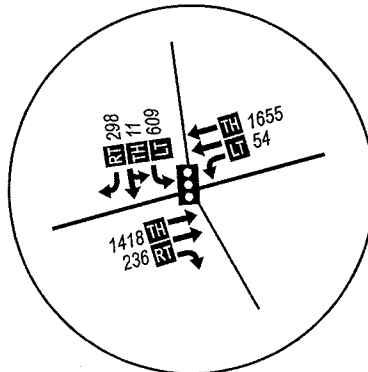
**2. 99W @ Main & Greengurg**

**3. 99W @ Hall Blvd**



**4. 99W @ 217 SB Ramps**

**5. 99W @ 217 NB Ramps**



**LEGEND**

- 1.0** - Study Intersection & Number
- 00 - Peak Hour Traffic Volume
- LT | TH | RT - Volume Turn Movement  
Left | Thru | Right
- Signalized Intersection
- Lane Configuration

**DKS Associates**  
TRANSPORTATION SOLUTIONS



NO SCALE

**Figure 2**

**EXISTING GEOMETRY AND  
PM PEAK HOUR  
TRAFFIC VOLUMES**

Although each of the intersections meets the required standards, there is excessive queuing and delays along OR 99W and side streets within the study area. The existing arterial level of service, which is based on average speed, is at LOS F along OR 99W for most of the study area<sup>17</sup>. Analysis of travel speed in the study area was conducted by simulation of PM peak conditions using the Synchro/Sim Traffic software. A summary of the Highway Capacity Manual (HCM) LOS standards is shown in Table 5, and a summary of the existing LOS conditions are shown in Table 6. The results of the simulation match actual travel speed observations in the corridor during the PM peak conditions, the results of these observations are shown in Figure 3.

**Table 5: Highway Capacity Manual Arterial LOS**

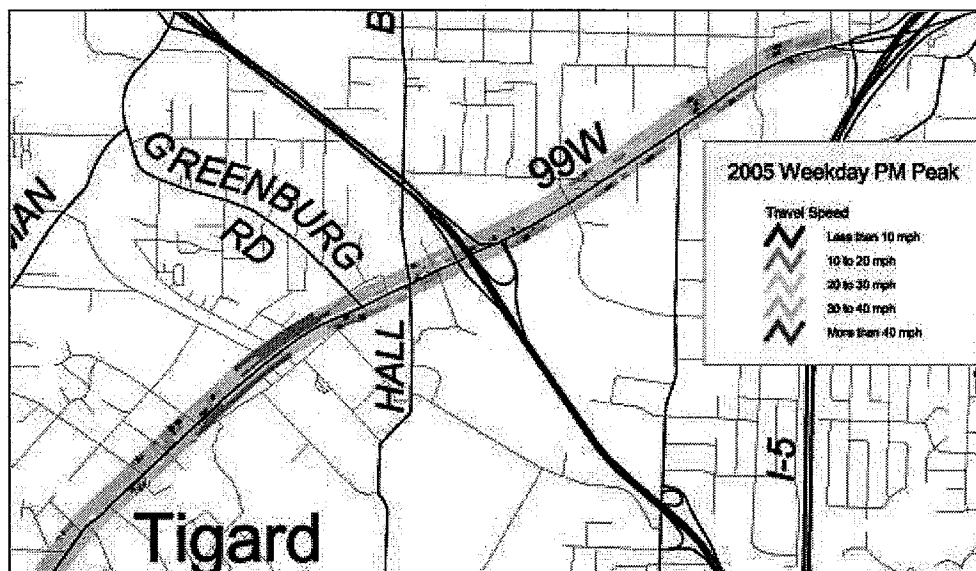
<i>Urban Street Class</i>	II
<i>Range of free-flow speeds (FFS)</i>	45 to 35 mi/h
<i>Typical FFS</i>	40 mi/h
<i>LOS</i>	<i>Average Travel Speed (mi/h)</i>
A	>35
B	>28-35
C	>22-28
D	>17-22
E	>13-17
F	= 13

**Table 6: Existing LOS Conditions Along OR 99W**

<i>OR 99W Roadway Segment</i>	<i>Direction of Travel</i>	<i>Average Speed</i>	<i>Arterial LOS</i>
Southwest of SW Johnson St.	EB	14	E
	WB	--	--
SW Johnson St. to SW Greenburg Rd.	EB	8	F
	WB	21	D
SW Greenburg Rd. to SW Hall Blvd.	EB	9	F
	WB	11	F
SW Hall Blvd. to OR 217 SB ramps	EB	20	D
	WB	6	F
OR 217 SB ramps to OR 217 NB ramps	EB	24	C
	WB	6	F
East of OR 217 NB ramps	EB	--	--
	WB	6	F
<b>Overall Corridor LOS (OR 217 to SW Johnson St.)</b>	EB	11	F
	WB	10	F

Note: N/A = Not Applicable

<sup>17</sup> Highway Capacity Manual 2000, Chapter 15, Exhibit 15-2, Transportation Research Board.



**Figure 3: PM Peak Travel Speed Observations  
Based on Floating Car Surveys, October 2005**

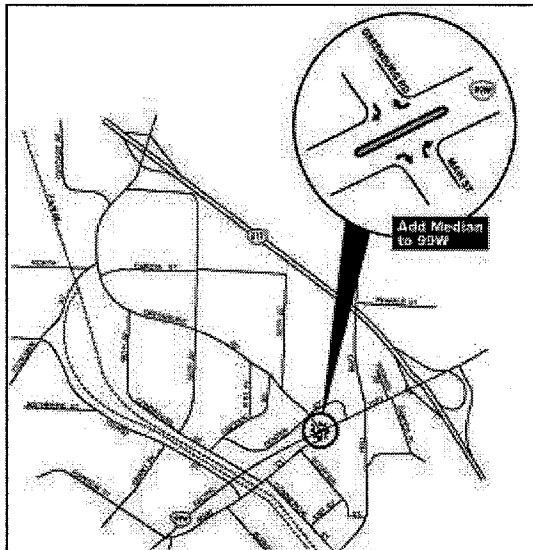
Much of the operational deficiencies that occur today result from sub-standard access spacing where queues from one intersection spill into adjacent intersections. Access spacing also does not meet the standards set by ODOT, which requires that the minimum distance from a freeway interchange to the first major intersection be at least 1,320 feet<sup>18</sup>. The existing access spacing from the OR 217 interchange to SW Hall Boulevard is approximately only 675 feet and another 675 feet from SW Hall Boulevard to SW Greenburg Road, which are below the standard spacing.

## **FUTURE OPERATIONS AND OPTIONS**

### **Circulation Alternatives**

There were several alternatives that were examined to improve the operations at the OR 99W/SW Greenburg Road intersection, and relieve congestion along OR 99W and decrease delay along the corridor. These alternatives are summarized in this section.

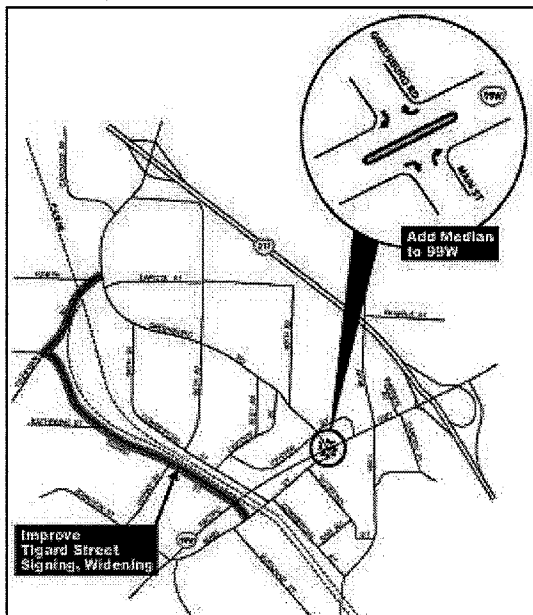
<sup>18</sup> 1999 Oregon Highway Plan, Appendix C, Table 17, Oregon Department of Transportation.



**Alternative 1:**

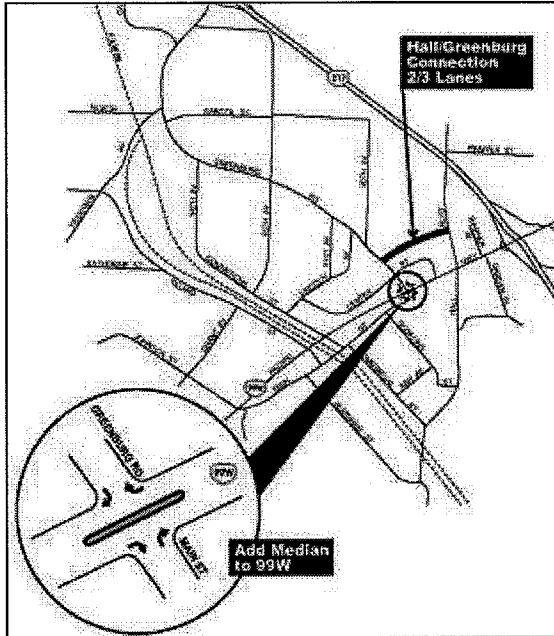
The addition of a median at the OR 99W/SW Greenburg Road intersection would reduce conflicting movements on OR 99W, improving operation of OR 99W. However, based on the Metro Regional Travel Demand Model, there is a large impact to the immediate neighborhood streets and surrounding area. Particularly SW 98<sup>th</sup> Avenue and SW Commercial Street would gain 2,000 to 3,000 vehicles per day (VPD) on local streets. Eliminating through and left-turn movements from the intersection results in the diversion of trips to other routes, many of which are also congested today or in the future. Roadways affected include Scholls Ferry Road, SW Locust Street, OR 217, SW 72<sup>nd</sup> Avenue, SW Pfaffle Street, SW Oak Street, SW Hunziker

Street, and SW Hall Boulevard. Any median alternative would significantly impact access to downtown Tigard. Due to the impact to local streets and congested collectors/arterials, this alternative was eliminated.



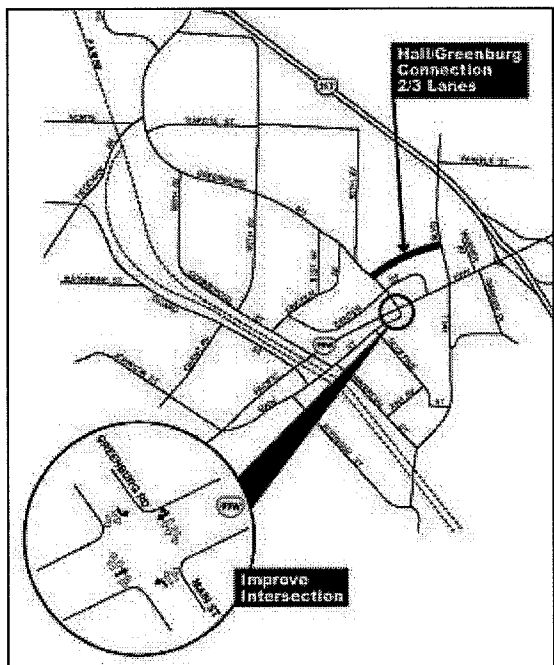
**Alternative 2:**

Diverting traffic from SW Greenburg Road to SW Tigard Street via SW Tiedeman Avenue and implementing a median at the OR 99W/SW Greenburg Road intersection potentially improves conditions along OR 99W. This alternative would add approximately 6,000 to 7,000 vehicles per day to the existing 5,000 vehicles per day traveling on SW Tigard Street. Three lane improvements to SW Tigard Street and SW Tiedeman Avenue would need to be considered. Grant Street would gain 2,000 to 3,000 VPD. Additionally, the diverted traffic would be funneled into downtown Tigard and would still end up using OR 99W providing limited operational benefit. This alternative was eliminated because its impacts appeared greater than its benefits.



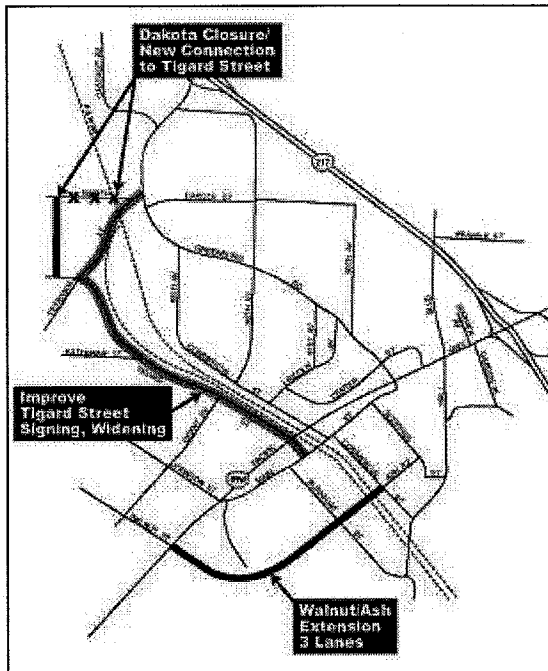
**Alternative 3:**

Constructing a connector (backage road) between SW Hall Boulevard and SW Greenburg Road helps to relieve traffic on OR 99W and provides an alternative route for median impacts. The new connector reduces the impacts noted in Alternative #1. However, this alternative significantly increases traffic on SW Hall Boulevard, which has little or no residual capacity. The area of impact is confined to a smaller area, but the right-of-way impacts to that area are significant. A large amount of property would need to be acquired to implement this alternative and the benefit to OR 99W is limited. The combination of right-of-way and network impacts to SW Hall Boulevard from the median led to the dismissal of this alternative.



**Alternative 4:**

The addition of travel lanes at OR 99W/SW Greenburg Road intersection with the connector between SW Hall Boulevard and SW Greenburg Road potentially provides improvement to the OR 99W corridor. These improvements require a large acquisition of right-of-way to construct the added turn lanes and the connector. The turn lanes at OR 99W/SW Greenburg are effective in improving traffic operation (as was found in the TSP). After analyzing the value of the backage road using the Metro Travel Demand Model, it was determined that the connector does not improve conditions along OR 99W commensurate with the impacts (only about 2,000 VPD use the backage road). This alternative was analyzed in more depth without including the SW Hall Boulevard to SW Greenburg Road cross connection.

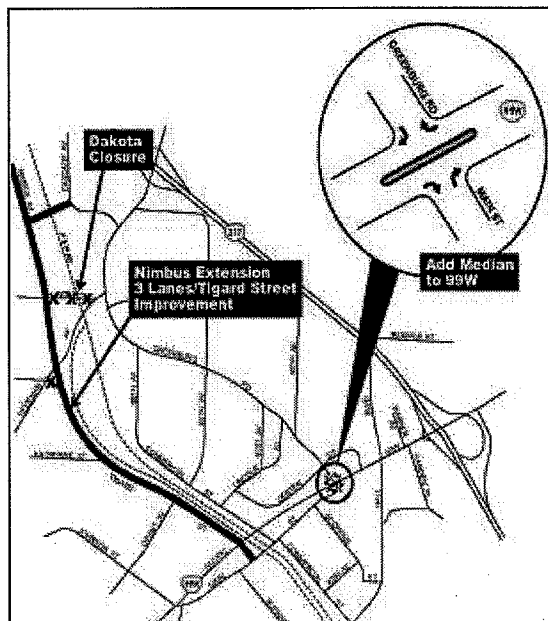


*Two more extensive circulation changes were tested.*

**Alternative 5:**

This option included creating two enhanced portals to downtown Tigard via improved SW Tigard Street and SW Walnut Street extension. The property impacts of acquiring the needed right-of-way to construct a new SW North Dakota Street connection to SW Tigard Street, a SW Walnut Street extension, and widening SW Tigard Street are significant. While the new portals increase access to downtown they do not eliminate the need for further improvements at OR 99W/SW Greenburg Road. The SW Walnut Street extension helps reduce some OR 99W traffic but is a much longer term project as defined in the TSP. SW Tigard Street widening to three lanes would help but has operation issues at the key junctions (SW Greenburg Road/SW

Tiedeman Avenue, SW Tiedeman Avenue/SW Tigard Street) and only attracts 2,000 to 3,000 VPD for the investment (and right-of-way impacts). The alternative was considered a longer term improvement and dropped from further short term evaluation.



**Alternative 6:**

A median concept at OR 99W/SW Greenburg Road combined with a new north/south route via SW Nimbus Avenue/SW Tigard Street was tested. The SW Nimbus Avenue extension is outlined in the TSP and Metro's Regional Transportation Plan. IT would attract significant traffic (+ 8,000 VPD) and replace SW Greenburg Road access to downtown. IT would have the greatest benefit to OR 99W (over + 7,000 VPD). However, the impacts (wetlands, right-of-way and added downtown Tigard traffic) render this alternative at best a long term consideration. The Downtown Tigard Traffic Study from 16 years ago made similar finding about this concept. This option was dropped from short term consideration.



### Short term Improvements

All alternatives which improve OR 99W/SW Greenburg Road will have impacts (to properties, wetlands or traffic to varying degrees). The alternative that appears to best balance improved operational performance with downtown access and impacts, is one that specifically adds capacity to OR 99W/SW Greenburg Road. Using the assumed improvements to OR 99W and SW Hall Boulevard, and Alternative #4 as a starting point (Figures 4 and 5), much of the operational deficiencies can be removed. Although operations at the OR 99W/SW Hall Boulevard intersection are improved the benefit to the OR 99W corridor is not improved without further improvement. The elimination of split phasing at the OR 99W/SW Hall Boulevard results in more efficient use of the cycle length, but the split phasing at OR 99W/SW Greenburg Road still creates a bottleneck along OR 99W. As a result, short-term improvements were proposed for SW Greenburg Road to improve the performance along OR 99W.

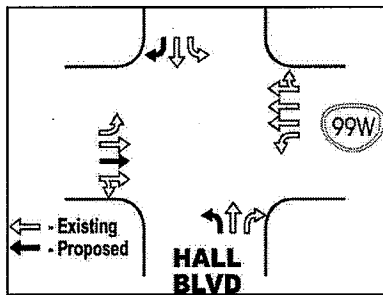


Figure 4: Short term Hall Imp.

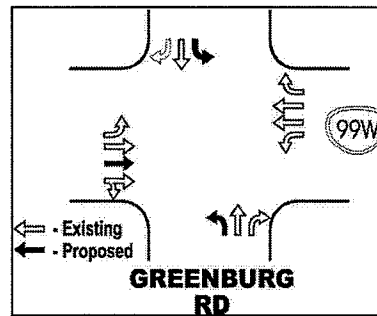


Figure 5: Short term Greenburg Imp.

The additional northbound and southbound turn lanes at each intersection eliminate the need for split phasing, which increases the efficiency of these intersections. The added third eastbound through lane is extended through the SW Greenburg Road intersection to increase capacity. With the added geometry and elimination of split phasing, the coordination along the OR 99W corridor is also improved. As a result, the delay experienced by vehicles on OR 99W is decreased with the improvements made at both intersections. A comparison of the overall arterial level-of-service is shown in Table 7 for short term conditions.

**Table 7: Overall Existing Arterial LOS Conditions for OR 99W**

<i>Short-term Improvement</i>	<i>Direction of Travel</i>	<i>Average Speed</i>	<i>Arterial LOS</i>
Existing Geometry and Lanes	EB	11	F
	WB	10	F
Add MSTIP SW Hall Boulevard Improvements	EB	15	E
	WB	9	F
Add SW Hall Boulevard plus SW Greenburg Road Improvements	EB	18	D
	WB	17	E

Note: N/A = Not Applicable

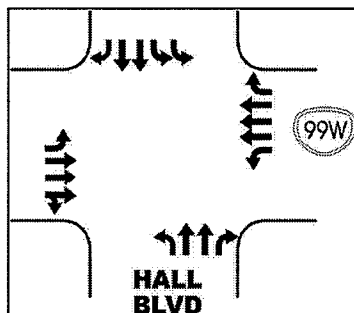
These additional lane improvements would impact properties adjacent to the OR 99W/SW Greenburg Road intersection. Widening SW Greenburg Road would have right-of-way impacts extending 400 feet away from OR 99W on both sides of the street. The added lane on OR 99W

would likely require a wall to minimize right-of-way impact to the south. While detailed cost estimates are needed, it is likely these added lanes (if done with the OR 99W/SW Hall Boulevard project) would be at least two to three million dollars.

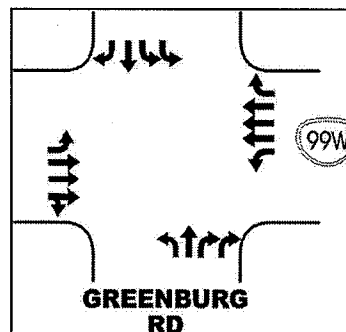
### **Long term Improvements**

Given the substantial impact of adding capacity at OR 99W/SW Greenburg Road, the performance of the short term was tested in the longer term (approximately 20 year horizon) using the TSP forecasts. The short term improvements would not be adequate in the TSP future scenario. It is likely they would only address five years of growth, although improvements would be substantially better than existing geometry. The TSP acknowledged the greater capacity needs in the future. Because of this a phasing plan should be developed that addresses achievable short term improvements that are consistent with long term needs.

The long term needs were evaluated and three additional improvements were needed at OR 99W/SW Hall Boulevard and two more at OR 99W/SW Greenburg Road beyond the short term improvements. At OR 99W/SW Hall Boulevard (Figure 6) the addition of a second southbound left-turn lane, a westbound right-turn lane, and accommodation of the five lane (two added through lanes) cross section on SW Hall Boulevard for at least 500 feet each side of OR 99W is needed. At OR 99W/SW Greenburg Road (Figure 7) adding a second southbound left-turn lane and extending the third OR 99W westbound through lane across SW Greenburg Road before dropping it back to two lanes would be needed.



**Figure 6: Long term Hall Imp.**



**Figure 7: Long term Greenburg Imp.**

These improvements are significant and will take time to implement. While detailed cost estimates are necessary, cost beyond five million dollars could be expected. The benefit is that with these improvements, OR 99W would operate comparably to today, with 20 years of growth. The intersection performance for the Future TSP PM peak scenario is summarized in Table 8.

**Table 8: Intersection Performance for Future TSP Mitigated PM Peak Hour Conditions**

Study Intersection	Delay	LOS	V/C
<i>Signalized</i>			
OR 99W/OR 217 NB Ramps	13.6	B	0.77
OR 99W/OR 217 SB Ramps	26.0	C	0.87
OR 99W/SW Hall Blvd.	50.7	D	0.98
OR 99W/SW Greenburg Road/SW Main St.	24.3	C	0.71
OR 99W/SW Johnson St./SW Main St.	21.2	C	0.73

LOS = Level of Service

A/A = Major Street LOS/Minor Street LOS

Signalized Delay = Average Control Delay per Vehicle

V/C = Volume-to-Capacity Ratio

When analyzing traffic operations for long-term cases, the 1999 Oregon Highway Plan (OHP) standards must be met. However, if any modifications are made to the geometry of an ODOT facility, it is then subject to the requirements of the 2003 Highway Design Manual (HDM). The volume-to-capacity (V/C) ratio standards in the HDM are generally lower than those in the OHP. The OHP V/C ratio standard for the OR 99W corridor within the study area is 0.95<sup>16</sup>. The only intersection that the OHP standard applies to is OR 99W/SW Johnson Street, which meets the standard. Each of the other intersections would need to be modified and therefore would need to meet the HDM V/C ratio standard of 0.75<sup>19</sup>. The only intersection that meets the HDM standard is OR 99W/SW Greenburg Road. A design exception would be required for the OR 217 off-ramps and the OR 99W/SW Hall Boulevard intersection.

<sup>19</sup> 2003 Highway Design Manual, Chapter 10, Table 10-1, Oregon Department of Transportation.

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF April 18, 2006

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Planned Development Code Review Committee Recommendations

PREPARED BY: Sean Farrelly DEPT HEAD OK TC CITY MGR OK CR

ISSUE BEFORE THE COUNCIL

The Planned Development Code Review Committee has made recommendations, for the Council's consideration, to change the Planned Development section of the Development Code.

STAFF RECOMMENDATION

If the City Council determines that the proposed Planned Development revisions are appropriate, staff should be directed to prepare a draft ordinance for public hearings.

INFORMATION SUMMARY

The Council established the Planned Development Code Review Committee in January 2004 to study the identified problems of Planned Developments. The committee worked with staff to develop new code language including a revised purpose statement, application process, conceptual and detailed development plan requirements, overlay zone requirements, and definitions. The attached memorandum (Attachment 1) outlines the proposed changes.

OTHER ALTERNATIVES CONSIDERED

Staff has suggested that the Planned Development Code already contains sufficient language to address the problems with the Planned Development process.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Growth and Growth Management, Goal #1 - Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide open space throughout the community.

Two of the strategies to implement this goal are:

- 1) Review and modify development code sections to integrate open space preservation and protection into design standards. (Planned Actions include: revising code sections to ensure that residential development incorporates open space; and developing and implementing design standards that preserve and protect open space, greenways, and natural areas.)
- 2) Develop and implement design standards that preserve and protect open space, greenways, and natural areas. (Planned Actions include: amending code to promote design that includes natural features and promotes connectivity to open space, greenways, and natural area access; and implementing a public process for adequate development/ design review.)

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ATTACHMENT LIST

- 1: Memo to Council dated April 6, 2006 - Planned Development Code Committee Recommendations
- 2: Memo to Planning Commission dated March 9, 2006 - Draft Planned Development Code
- 3: Option 2 - Reorganize Chapter (Clean Copy)
- 4: Annotated Option 2 - Reorganize Chapter
- 5: Draft Planning Commissioners' Toolbox
- 6: Memo to Planning Commission dated May 12, 2005 - Draft Committee Recommendations
- 7: E-mail from Gary Firestone dated March 7, 2006 - initial comments on PD changes
- 8: E-mail from John Frewing dated March 8, 2006 - comments on "clean copy"
- 9: March 20, 2006 Planning Commission meeting minutes

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FISCAL NOTES

Not applicable



# MEMORANDUM

TO: City Council

FROM: Sean Farrelly, Associate Planner

RE: Planned Development Code Committee Recommendations

DATE: April 6, 2006

The Planned Development Code Review Committee was appointed by the City Council in January 2004 to review and recommend changes to the Planned Development Chapter of the Development Code (18.350). The concept of Planned Developments is to grant flexibility to the underlying subdivision code standards in order to achieve a desired public purpose. Concerns arose in the community about the density, appearance, and lack of open space in some of the developments approved under the provisions of the Planned Development chapter.

The Committee had its first meeting April 2004. After a several month delay due to staff shortages, the Committee recently met to forward its proposals to the Planning Commission and City Council.

The Committee's recommendation to the City Council is to substantially reorganize and rewrite the Planned Development chapter (18.350). Staff worked with the Committee on developing new code language. The proposed changes include:

## **1. New Purpose Statement**

The purpose statement was completely rewritten to emphasize the link between applying flexible standards and mitigating impacts with amenities such as preserving open space and natural resources, the use of alternative building designs, and other public purposes.

## **2. Revised Approval Process**

The revisions make a clearer distinction between the three sections of the approval process: the Conceptual Development Plan, the Detailed Development Plan, and the Overlay Zone. (Concurrent applications can be made for each of the three approval steps, but the Planning Commission must take separate actions on each part.)

A. Conceptual Development Plan: New conceptual plans would require addressing these new approval criteria:

- provision of open space
- protecting natural resource areas
- integration of development into the existing neighborhood

- promotion of walkability/ transit
- identification of the uses and arrangement of the site
- provision of other amenities

B. Detailed Development Plan: The approval of a Detailed Plan was made a distinct step in the process. The section also would consolidate several sections of the chapter for required analyses.

The Detailed Development Plan includes the following requirements:

- a. Contextual analyses
- b. Compliance with specific development standards of the base zone
- c. Conformance to the Conceptual Plan.
- d. Extensive Detailed Development approval criteria would have to be met, including a mandatory shared open space requirement (20% of the gross site area).

C. Overlay Zone: The approval process was re-ordered to make the Overlay Zone the final step. It was simplified to include only an affirmation that the terms and conditions applied to the Detailed Development Plan had been fully satisfied. The Planned Development Overlay Zone would thereby no longer applied to unimplemented "development concepts."

### **3. Changes in Definitions Chapter (18.120)**

Open Space: Changes would make distinctions in the types of open space (minimal use, passive use recreation, and active use recreation).

The full language of the code amendments can be found in Attachments 3 (Clean Copy) and 4 (Annotated Copy).

### **The Planning Commissioners' Toolbox**

The Committee developed Planning Commissioners' Toolbox: a packet with requirements of the process as well as illustrations and case studies of preferred developments around the County. The Toolbox is intended to be used as a guide for developers and as a reference for the Planning Commission during Planned Development hearings. The draft of the Planners Toolbox can be reviewed in Attachment 5.

### **City Attorney Comments**

The City Attorney did a preliminary review of the proposed code amendments and made several comments. The most significant potential problems are the Overlay Zone (which would need to be treated as a zone change, with notice to DLCD and comprehensive plan review), and the inconsistencies in the procedure section. Please refer to Attachment 7 for the full text of the City Attorney's e-mail comments.

## MEMORANDUM

TO: PLANNING COMMISSION

FROM: PLANNED DEVELOPMENT COMMITTEE  
Memo drafted by Gretchen Buehner, member

DATE: 3/9/06

RE: DRAFT PLANNED DEVELOPMENT CODE

This memorandum updates the Planning Commission since our joint meeting in May, 2005. The Planned Development Committee continued to meet over the summer and fall working on draft code changes to implement the ideas discussed with the Commission, incorporating Commission suggestions. Staff shortages delayed completion for several months. Below is a summary of how the recommendations included in our 5/12/05 memorandum were translated into draft code and/or what further study is needed. The Committee would like to recognize the high quality work done by Morgan prior to his departure from the City in September, 2005.

1. CREATE A TOOLBOX. You have been provided with an updated draft of the Toolbox, primarily created by Morgan. Work will continue to streamline it for distribution to developers at the pre-application conference. Also see 18.350.050 E (c)(ii).
2. TRANSITION LOT SIZES. Done. A requirement regarding larger lots on the exterior of the planned development is included in 18.350.050 C (1).
3. CONSISTENCY WITH SURROUNDING NEIGHBORHOOD. Done. See 2 above re buffer lots. Also see 18.350.050 B (d)(e).
4. BURDEN OF DEVELOPER TO SHOW WHY PD IS A "BETTER" SOLUTION. Done. See 18.350.010 A (2); 18.350.040 A (1); Toolbox.
5. SEPARATE CONCEPT FROM DETAIL PLAN. Done. See 18.350.040 A (4). (mis-numbered as 5 in draft code). Clarification will continue give attorney comments.
6. MANDATORY OPEN SPACE REQUIREMENT. Done See 18.350.050 E (3) (n) and (o). Some minor tweaking still needs to occur.
7. SUSTAINABLE DEVELOPMENT. Done. CWS provisions.
8. ENHANCE NEIGHBORHOOD MEETING PROCESS. More work needs to be done. More structure needs to be provided to developers. One suggestion is that if the plan included in the application differs substantially from that presented at the neighborhood meeting, developer be



required to send notice to all attendees at neighborhood meeting.

9. ADDITIONAL AMENITIES. Done. See Toolbox; 18.350.050.E (2) c) et.seq.

10. STANDARDS FOR WALKABLE NEIGHBORHOODS. See 18.350.050 (3) (j). More review is needed.

11. DENSITY AS FUNCTION OF DESIGN EXCELLENCE. Done. See 18.350.050 E (2)( c).

12. RE ZONE TO REDUCE DENSITY AND DELETE UNBUILDABLE LAND SUCH AS CWS FACILITIES FROM BUILDABLE LAND BEFORE DOING DENSITY CALCULATION. Not done. Needs to be changed in Chapter 715. This seems to be a fairly specific code standard that could be changed before completion of the comprehensive plan.

13. LIMIT DENSITY BONUSES. Done. See 18.350.050 E (2) c).

14. LIMIT DENSITY TRANSFERS. Not done. Can't be done in planned development code, but see side recommendation 7 c from 5/05 memo. The committee is concerned that code provisions not provide transfers for open space.

15. APPLICATION SHOULD ADDRESS CRITERIA SET FORTH IN TOOLBOX. As stated above, the Toolbox will be streamlined to make it more user friendly. See 18.350.050 E (2) c) (ii).

#### SIDE RECOMMENDATIONS.

1. FUNDING MECHANISM FOR OPEN SPACE ACQUISITION. Work in progress.

2. ESTABLISH OPEN SPACE NETWORK MASTER PLAN. Work in progress by parks board.

3. TREE CODE REVISIONS. Not done. Some suggestions on current City Council list of changes to be looked in near future.

4. STREET AND UTILITY IMPROVEMENT GUIDELINE CHANGES. Not done.

5. WORK WITH CWS TO LOOK AT LIMITED BUFFER USES AND OTHERS. Not done.

6. INCLUDE SUMMARY OF PLANNING COMMISSION DELIBERATIONS IN REPORT TO COUNCIL (APPEALS). Not done.

7. OPEN SPACE ISSUES.

A. Review of acceptance of small parcels. Council is reviewing.

B. Policy of private vs. public open space ownership. Not done.

C. Zone for Open Space. Not done. There are questions regarding whether such a zone would work and Measure 37 issues.

D. No density transfers for open space. See discussion in 14.

E. Open space types. Included in revised draft code. Committee recommends adding this to subdivision code.

8. Reduce storm water runoff in PD's. There has been discussion of permeable surfaces on private streets. Much more work needs to be done.

The following are a couple of personal comments, not discussed with the Committee. We received city attorney Gary Firestone's memo at our last committee meeting, but did not review it during the meeting.

In a quick review of his memo, I agree with his comment about the "PD overlay zone". This is a policy issue which should be addressed to make the code less open to litigation.

I also understand is his concern about the "concept" plan issue. In theory, the developer brings a concept plan to the pre-app conference. A form of concept plan is presented at the neighborhood meeting. The application includes the detailed development plan. Should the application include the concept plan presented at the pre app conference? A copy of the plan presented at the neighborhood meeting would need to be included in the application to implement the notice recommendation of notice mentioned in 8 above. This issue needs more work.

## OPTION 2 – Reorganize Chapter

### Summary of Major Changes

#### Reorganization.

The chapter was reorganized to consolidate several sections, and create a logical progression of the other sections. The committee expressed concern that in PD applications, there was not enough of a distinction between the concept and detailed plan. Upon closer examination of the existing code text, staff found that the code itself did not clearly distinguish the two parts of the process. Elements of approval criteria were dispersed throughout the chapter, and applying the code to projects required a bit of gymnastic talent. The code has been reorganized in a more progressive fashion, setting forth the overall purpose, an outline of the process, miscellaneous procedural requirements, followed by distinct sections for the three elements of the PD process: the overlay zone, the concept plan, and the detailed plan.

#### Revised Purpose Statement.

The committee spent considerable time drafting an updated purpose statement to reflect current trends in development and community desires. A greater balance between development opportunities and contributions to the community assets was sought. Environmental considerations were made more central to the purpose of the PD code.

#### Mandatory Open Space Requirement.

In addition to requiring a certain percentage of open space, the committee made deliberate distinctions in the types of open space (minimal use, passive use recreation, and active use recreation). Changes to the definition chapter were added.

#### Substantial Changes in the Approval Criteria for Detailed Development Plans.

This section was reworked to create consistency between the purpose statement and the review criteria, as well as incorporate the recommendations of the committee.

#### Revised Ordering of the Approval Process

**The application of the Planned Development Overlay Zone was physically moved to the end of the process and simplified to include only an affirmation that the terms and conditions applied to the detail development plan had been fully satisfied. The Planned Development Overlay Zone is thereby no longer applied to unimplemented "development concepts".**

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### Chapter 18.120

#### DEFINITIONS

104. Open Space Facility related definitions. Open Space Facilities may be privately or publicly owned:

- a. Minimal Use Facilities. Areas reserved for low-impact recreation, limited to soft surface trails which are minimally maintained. No other improvements (apart from underground utilities) are allowed.
- b. Passive Use Facilities. Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.
- c. Active Use Facilities. Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.

## **Chapter 18.350 PLANNED DEVELOPMENTS**

### **Sections:**

**18.350.010 Purpose**

**18.350.020 Process**

**18.350.030 Administrative Provisions**

**18.350.040 Conceptual Development Plan Requirements**

**18.350.050 Detailed Development Plan Requirements**

**18.350.060 Overlay Zone Requirements**

### **18.350.010 Purpose**

A. Purpose. The purposes of the planned development overlay zone are:

1. To provide a means for property development which results in development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the city; and
2. To provide such added benefits as increased natural areas or open space, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and
3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and
4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and
5. To consider an amount of development on a site which will provide a benefit to the owner and developer consistent with the degree of positive or negative impact to neighbors and to the public resources and facilities of Tigard; and
6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

### **18.350.020 Process**

- A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.
- B. Elements of approval process. There are three elements to the planned development approval process, as follows:
  1. The approval of the planned development concept plan; and

2. The approval of the detailed development plan or preliminary subdivision plat.
  3. The approval of the planned development overlay zone;
- C. Decision-making process.
1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.]
  2. The detailed development plan shall be reviewed by means of a Type II procedure, as governed by 18.390.040, to ensure that it is substantially in compliance with the approved concept development plan.
  3. A planned development overlay zone shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.
  4. In the case of an existing planned development overlay zone for any other type of application, the application shall be reviewed under the provisions required in the chapters which apply to the particular land use application.
- D. Concurrent conceptual plan, detailed development plan, and overlay zone applications.
- On residential or mixed use projects over 5 acres, the detailed plan shall and the overlay zone shall be filed separately, unless the director waives this requirement. For commercial or industrial development, the detailed plan and the overlay zone shall be filed separately. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently. All applicants are advised that the purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detail plan and overlay zone.
- E. In the case of concurrent applications for concept plan, detailed plan, and overlay zone, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval which shall precede approval of the overlay zone); however each required action may be made at the same hearing.

#### **18.350.030 Administrative Provisions**

- A. Action on the concept development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.050.
- B. Time limit on filing of detailed development plan. If the concept and detailed plan or preliminary plat were not heard concurrently, within 1-1/2 years after the date of Commission approval of the conceptual development plan, the owner shall prepare and file with the Director a detailed development plan. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.060.
- C. Zoning map designation. The approval of the planned development overlay zone shall expire whenever the detail plan approval lapses or expires. The zoning map shall be amended to indicate the approved planned development designation for the subject development site only after the detail development plan has been implemented. Final action on the zoning map amendment shall be taken by the City Council by means of a Type IV procedure as governed by Section 18.390.060 and approval of the detailed development plan by the Planning Commission shall serve as their recommendation to the Council.
- D. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
  1. No changes have been made on the original concept development plan as approved by the Planning Commission;

2. The applicant can show intent of applying for the detail development plan or preliminary plat review within the one year extension period; and
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

**E. Phased development.**

1. The Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for conceptual development plan review.
2. The criteria for approving a phased detail development plan proposal are that:
  - a. The public facilities shall be constructed in conjunction with or prior to each phase; and
  - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
- F. Substantial modifications to the conceptual plan. If a detailed development plan or preliminary plat does not substantially conform to the conceptual plan, a new conceptual development plan shall be required.
- G. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.
- H. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.

**18.350.040 Conceptual Development Plan Requirements**

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050 [and the additional information required by 18.350.040.B. In addition, the applicant shall submit the following:
  1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. The statement should be explicit in defining the architectural style, and what sorts of innovative site planning principles are utilized including any innovations in building techniques that will be employed. Furthermore, the statement should explain how the proposal relates to the purposes of the Planned Development Chapter as expressed in 18.350.010.
  2. A general development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
  3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.
  5. A narrative statement presenting information, a detailed description of which is available from the Director.
- B. Additional information. In addition to the general information described in Subsection A above, the conceptual development plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:
  1. Existing site conditions;
  2. A site concept including the types of proposed land uses and housing types, and their general arrangement on the site;

3. A grading concept;
4. A landscape concept indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);
5. Parking concept
6. A sign concept;
7. A copy of all existing and/or proposed restrictions or covenants;
8. A streets and utility concept; and
9. A Structure Setback and Development Standards concept, including the proposed residential density target if applicable.

**C. Allowable Uses**

1. In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.100 B2. The following uses are allowed with planned development approval:
  - a. All uses allowed outright in the underlying zoning district;
  - b. Single-family detached and attached residential units;
  - c. Duplex residential units;
  - d. Multi-family residential units;
  - e. Manufactured homes;
  - f. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to the uses permitted in the zone, such as personal services, preschool or daycare, and retail uses less than 5,000 s.f. in sum total;
  - g. Community building;
  - h. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
  - i. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
  - j. Recreational vehicle storage area.]
2. In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.
3. In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.

**D. Approval Criteria.** The Commission shall make findings that the following criteria are satisfied when approving or approving with conditions, the conceptual plan. The Commission shall make findings that the criteria are not satisfied when denying an application.

1. The concept plan includes specific designations for areas of open space, their intended level of use, and how they relate to other proposed uses on the site
2. The concept plan identifies areas of significant natural resources and identifies methods for their maximized protection, preservation, and/or management
3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.
4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.
6. The concept plan identifies other amenities or innovations that would distinguish the project from other standard developments.

#### **18.350.050 Detailed Development Plan Requirements**

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the information contained in 18.350.050A.
- B. Additional Information. In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:
  1. Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed
  2. A specific development schedule indicating the approximate dates of construction activity, including demolition, tree protection installation, ground breaking, grading, public improvements, and building construction for each phase.
  3. Contextual Analysis
    - a. Building typology and hierarchy: An analysis of the particular building type (residential, commercial, public) relative to the hierarchy of the various building types in the city is useful in deciding the general design approach of a new building. For example, public buildings may be dominant in placement and design, while residential buildings are subordinate, it is important to maintain any existing hierarchy that reinforces visual order in the city. Any predominant architectural solutions and details characteristic of a building type incorporated in the new building's design can help maintain a recognizable building type.
    - b. Regional character: An analysis of the city's regional architectural characteristics is appropriate in developing a design solution that responds to unique regional characteristics. Regional characteristics may be revealed through unique architectural types, through vernacular building resulting from local climatic and cultural characteristics, and from historically significant architecture. Historic structures should be saved by modifying them for the proposed new use or by incorporating parts of the existing structure(s) into the proposed design.
    - c. City form: The delineation of city form created by road layout, location of major open spaces, and architecture-created forms should be analyzed. Elements that delineate city form should be reinforced by architectural development solutions for a particular place within the city. For example, a building proposed for a corner site should be designed to reinforce the corner through building form, entrance, and design details. A building proposed for midblock may be a visually unifying element providing connection and continuity with adjacent buildings. Sites at the ends of important vistas or adjacent to major city squares probably should be reserved for important public buildings.
    - d. Building scale and fenestration: It is important to analyze building scale and fenestration of nearby structures. Reflecting, although not necessarily reproducing, such detailing in the proposed building can provide visual unity and continuity in the architectural character of the city. One example is the use and placement of cornice lines to define the building's lower floors in relation to adjacent buildings. Cornice lines also can define the building's relationship to pedestrians in terms of scale and use.
    - e. Building transition: Sometimes it may be appropriate to use arcades and porches to provide transition between the building's private interior and the public sidewalk. Including them may be especially worthy if adjacent buildings have these elements
    - f. Views: Important city views of plazas, squares, monuments, and natural features such as waterfronts and parks



should be considered. It is important to design the proposed structure to enhance and preserve such views for the public and for inhabitants of nearby buildings, as well as incorporating them as views from the proposed building.

4. Moderate to High Density Development Analysis. If proposing development in an area with an "urban context", the following additional information may be required:
  - a. Air movement: Prevailing breezes characteristic of a region may be greatly modified by urban high-rise structures. Predominant air movement patterns in a city may be along roadways and between buildings. The placement, shape, and height of existing buildings can create air turbulence caused by micro air movement patterns. These patterns may influence the location of building elements such as outdoor areas and balconies. Also a building's design and placement can mitigate or increase local wind turbulence.
  - b. Sun and shadow patterns: The sun and shadow patterns of existing structures should be studied to determine how they would affect the proposed building. This is particularly important for outdoor terraces and balconies where sunlight may be desirable. Sun and shadow patterns also should be considered as sources of internal heat gain or loss. Building orientation, window sizes and shading devices can modify internal heat gain or loss. Studies should include daily and seasonal patterns and the shadows the proposed building would cast on existing buildings and open spaces.
  - c. Reflections: Reflections from adjacent structures such as glass-clad buildings may be a problem. The development should be designed to compensate for such glare or if possible, oriented away from it.
- C. Compliance with specific development standards. The Detailed Development Plan shall conform to the provisions of the base zone as follows:
  1. Lot dimensional standards: The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.
  2. Site coverage: The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%;
  3. Building height: Any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building.
  4. Structure setback provisions:
    - a. Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;
    - b. The setback provisions for all setbacks on the interior of the project shall not apply except that:
      - i. All structures shall meet the Uniform Building and Fire Code requirements;
      - ii. A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
      - iii. A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
  - c. If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The applicant may propose, or the commission may require, actual structure footprints to be shown and adhered to.

5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.
- D. Conformance with the Conceptual Plan required. The Planning Commission shall approve the detailed development plan upon finding that the plan conforms with the conceptual development plan approved, or approved with conditions by the Commission. A change from the conceptual plan may be acceptable unless:
  1. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;
  2. The change reduces the amount of open space and landscaping;
  3. The change involves a change in use;
  4. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and
  5. The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.
- E. Detailed Development Plan Approval Criteria. If the detailed plan is found to be in conformance with the conceptual plan, the following specific review criteria must additionally be satisfied. The Commission shall make findings that the following criteria are satisfied when approving or approving with conditions, the detailed plan. The Commission shall make findings that the criteria are not satisfied when denying an application.
  1. All the provisions of the land division provisions, Chapters 18.420 Partitions and 18.430 Subdivisions, shall be met;
  2. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission, that promote the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.
    - a. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.
    - b. Chapter 18.705, Access, Egress and Circulation. The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).
    - c. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

The Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of

distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

- i. A 1% bonus for each 5% of the gross site area set aside in open space, up to a maximum of 5%, is allowed for the provision of active use recreational open space, exclusive of areas contained in floodplain, steep slopes, drainageways, or wetlands that would otherwise be precluded from development;
  - ii. A 1% bonus for each 1% of total project cost invested in development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the "Planning Commission's Toolbox," up to a maximum of 5%.
  - d. Chapter 18.745, Landscaping and Screening. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the gross site area to be professionally landscaped, and meets the intent of the specific standard being modified.
  - e. Chapter 18.765, Off-street Parking and Loading Requirements. The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone based on findings that:
    - i. The minor exception is not greater than 10 percent of the required parking; and
    - ii. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or
    - iii. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
    - iv. Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or
    - v. There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.
  - f. Chapter 18.780, Signs. The Commission may grant an exception to the sign dimensional requirements in the applicable zone based on findings that:
    - i. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;
    - ii. The exception is necessary for adequate identification of the use on the property; and
    - iii. The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.
  - g. Chapter 18.795, Visual Clearance Areas. The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;
  - h. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. In addition, deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission retains the ability to not allow an exception but may not grant an exception to street standards not sanctioned by the City Engineer, other than through the procedures in 18.370, Variances and Adjustments. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:
    - i. public safety will not be compromised
    - ii. in the case of public streets, maintenance costs will not be greater than with a conforming design.
    - iii. the design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.
3. In addition, the following criteria shall be met:

- a. Relationship to the natural and physical environment:
  - i. The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to demonstrate why a particular alternate site plan that may result in greater preservation of trees, topography and natural drainage would either not be feasible or would result in a greater loss of those resources;
  - ii. Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation;
  - iii. Using the basic site analysis information from the conceptual plan submittal,]the structures shall be oriented with consideration for the sun and wind directions, where possible; and
- b. Buffering, screening and compatibility between adjoining uses:
  - i. Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;
  - ii. In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745.:
    - (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
    - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
    - (c) The direction(s) from which buffering is needed;
    - (d) The required density of the buffering; and
    - (e) Whether the viewer is stationary or mobile.
  - iii. On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
    - (a) What needs to be screened;
    - (b) The direction from which it is needed; and
    - (c) Whether the screening needs to be year- round.
- c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- d. Exterior elevations – residential use: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
  - i. Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
  - ii. Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
  - iii. Offsets or breaks in roof elevations of three or more feet in height.
- e. Private outdoor area – residential use:
  - i. Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;
  - ii. Wherever possible, private outdoor open spaces should be oriented toward the sun; and
  - iii. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

- f. Shared outdoor recreation and open space facility areas – residential use:
  - i. Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
    - (a) Studio units up to and including two bedroom units, 200 square feet per unit;
    - (b) Three or more bedroom units, 300 square feet per unit.
  - ii. Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
  - iii. The required recreation space may be provided as follows:
    - (a) Additional outdoor passive use open space facilities;
    - (b) Additional outdoor active use open space facilities;
    - (c) Indoor recreation center; or
    - (d) A combination of the above.
- g. Demarcation of public, semi-public and private spaces for crime prevention:
  - i. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and
  - ii. These areas may be defined by, but not limited to:
    - (a) A deck, patio, low wall, hedge, or draping vine;
    - (b) A trellis or arbor;
    - (c) A change in elevation or grade;
    - (d) A change in the texture of the path material;
    - (e) Sign; or
    - (f) Landscaping.
- h. Access and circulation:
  - i. The number of required access points for a development shall be provided in Chapter 18.705;
  - ii. All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and
  - iii. Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.
- i. Landscaping and open space:
  - i. Residential Development: In addition to the [buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities, a minimum of 20 percent of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan and surety for such landscape installation;
- j. Public transit:
  - i. Provisions for public transit may be required where the site abuts or is within a ¼ mile of a public transit route. The required facilities shall be based on:
    - (a) The location of other transit facilities in the area; and
    - (b) The size and type of the proposed development.
  - ii. The required facilities [may include but are not necessarily limited to such facilities as:
    - (a) A waiting shelter;
    - (b) A turn-out area for loading and unloading; and
    - (c) Hard surface paths connecting the development to the waiting area.
- k. Parking:

- i. All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;
- ii. Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.
- l. Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.
- m. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- n. Shared Open Space Facilities.  
Exclusive of any other required open space facilities or buffer areas, the detailed development plan shall designate a minimum of 20% of the gross site area as an open space facility. The open space facility may be comprised of any combination of the following:
  - i. Minimal Use Facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).
  - ii. Passive Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
  - iii. Active Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
  - iv. The open space area shall be shown on the final plan and recorded with the Director.
- o. Open Space Conveyance. Where a proposed park, playground or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:

- i. Public Ownership. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge credits. If deemed to be not acceptable, the open space shall be in private ownership as described below;

- ii. Private Ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
  - (1) The continued use of such land for the intended purposes;
  - (2) Continuity of property maintenance;
  - (3) When appropriate, the availability of funds required for such maintenance;
  - (4) Adequate insurance protection; and
  - (5) Recovery for loss sustained by casualty and condemnation or otherwise.

#### **18.350.060 Planned Development Overlay Zone Requirements**

- A. General submission requirements. The applicant shall submit an application consisting of the approved detail development plan and the general information required for a Type III procedure as governed by Section 18.390.050.
- B. Approval Criteria. The Planning Commission shall review a proposed Planned Development Overlay Zone for general and specific conformity to the approved detail development plan. The application and request for the Planned Development Overlay Zone may be processed concurrently with the detail plan approval.

## OPTION 2 – Reorganize Chapter

### Summary of Major Changes

#### Reorganization.

The chapter was reorganized to consolidate several sections, and create a logical progression of the other sections. The committee expressed concern that in PD applications, there was not enough of a distinction between the concept and detailed plan. Upon closer examination of the existing code text, staff found that the code itself did not clearly distinguish the three parts of the process. Elements of approval criteria were dispersed throughout the chapter. The code has been reorganized, setting forth the overall purpose, an outline of the process, miscellaneous procedural requirements, followed by distinct sections for the three elements of the PD process: the overlay zone, the concept plan, and the detailed plan.

#### Revised Purpose Statement.

The committee spent considerable time drafting an updated purpose statement to reflect current trends in development and community desires. A greater balance between development opportunities and contributions to the community assets was sought. Environmental considerations were made more central to the purpose of the PD code.

#### Mandatory Open Space Requirement.

In addition to requiring a certain percentage of open space, the committee made deliberate distinctions in the types of open space (minimal use, passive use recreation, and active use recreation). Changes to the definition chapter were added.

#### Submittal Requirements

Significant additions were made to submittal requirements as well as approval criteria for overlay zones were created.

#### Substantial Changes in the Approval Criteria for Detailed Development Plans.

This section was reworked to create consistency between the purpose statement and the review criteria, as well as incorporate the recommendations of the committee.

### Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ – For text to be deleted

***[Bold and Italic]*** – For text to be added

Boxed – For staff notes and comments related to specific amendments.  
These are not part of the proposed codified text.

### Chapter 18.120 DEFINITIONS

*[55. “Density bonus” – Additional dwelling units that can be earned as an incentive for providing undeveloped open space, landscaping, architectural character, or tree canopy as defined further in this code.]*



*[87. "Landscaping" – Areas primarily devoted to plantings, trees, shrubs, lawn and other organic ground cover together with other natural or artificial supplements such as water courses, ponds, fountains, decorative lighting, benches, bridges, rock or stone arrangements, pathways, sculptures, trellises and screens.]*

*[104. Open Space Facility related definitions. Open Space Facilities may be privately or publicly owned:*

- a. Minimal Use Facilities. Areas reserved for low-impact recreation, limited to soft surface trails which are minimally maintained. No other improvements (apart from underground utilities) are allowed.*
- b. Passive Use Facilities. Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.*
- c. Active Use Facilities. Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.]*

*[Renumber definitions after #55 according to the above amendments]*

## Chapter 18.350 PLANNED DEVELOPMENTS

### Sections:

18.350.010 Purpose

18.350.020 The Process

18.350.030 Administrative Provisions

~~18.350.040 Noncompliance: Bond~~

~~18.350.050 Applicability in Commercial and Industrial Zones~~

~~18.350.060 Allowed Uses~~

~~18.350.070 Applicability of the Base Zone Development Standards~~

~~18.350.080 Exceptions to Underlying Development Standards~~

~~[18.350.040 Overlay Zone Requirements]~~

~~18.350.090 [18.350.050] Conceptual Development Plan Submission Requirements~~

~~[18.350.060 Detailed Development Plan Requirements]~~

~~18.350.100 Approval Criteria~~

~~18.350.110 Shared Open Space~~

### 18.350.010 Purpose

A. Purpose. The purposes of the planned development overlay zone are:

- ~~1. To provide a means for creating planned environments through the application of flexible standards, i.e., zero lot lines, narrower streets, and other innovative planning practices which will result in a superior living arrangement;~~
- ~~2. To facilitate the efficient use of land;~~
- ~~3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;~~

4. ~~To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site; and~~
5. ~~To encourage development that recognizes the relationship between buildings, their use, open space, and accessways and thereby maximizes the opportunities for innovative and diversified living environments.~~

- [1. To provide promote development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the city; and]*
- [2. To provide such increased benefits such as preserved wildlife habitat or open space, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to some of the rules of the Tigard Community Development Code; and]*
- [3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and]*
- [4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and]*
- [5. To consider an amount of development on a site which will provide a benefit to the owner and developer consistent with the degree of positive or negative impact to neighbors and to the public resources and facilities of Tigard; and]*
- [6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.]*

#### **18.350.020 The Process**

- A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. *[An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.]*

<p><i>Staff note: The added text was moved to incorporate 18.350.050 Applicability in Commercial and Industrial Zones.</i></p>
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- B. Elements of approval process. There are three elements to the planned development approval process, as follows:
1. The approval of the planned development overlay zone;
  2. The approval of the planned development concept plan; and

3. The approval of the detailed development plan *[and/ or preliminary subdivision plat]*.

Staff note: "preliminary subdivision" plat was added for clarification, as related to section D below.

Staff note: Revisions to the fee schedule should be incorporated to relate to the three elements of the approval process.

*I.e. Planned Development*

Overlay Zone \$3,040 (same as zone map change fee)

Concept Plan Review \$6,770 (current fee)

Detailed Plan Review Applicable SDR or Subdivision Fee

C. Decision-making process.

1. A new planned development overlay zone ~~and/or concept plan~~ shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section ~~18.350.100~~ *[18.350.040]*.
- [2. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.]*
- ~~2.[3.]~~ The detailed development plan shall be reviewed by means of a *[Type III-PC]* procedure, as governed by 18.390.040, to ensure that it is substantially in compliance with the approved concept development plan.
- ~~3.[4.]~~ In the case of an existing planned development overlay zone for any other type of application, the application shall be reviewed under the provisions required in the chapters which apply to the particular land use application.

- D. Concurrent overlay zone, and conceptual plan *[, and detailed development plan]* applications. The application for the overlay zone and for approval of the conceptual development plan may be heard concurrently if an application for each of the actions is submitted. *[On residential or mixed use projects over 5 acres, the detailed plan shall be filed separately, unless the director waives this requirement. For commercial or industrial development, the detailed plan shall be filed separately. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently. All applicants are advised that the purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detail plan.]*

Staff Note: The five acre threshold was added since these larger projects will typically have more issues in determining arrangement of uses, and other basic concepts of the planned development than smaller projects. It was noted that there may be instances where this distinct separation is not so essential, say for example a 5.02 acre single family development. It was also made clearer that the purpose of the separation of the concept from the detail plan is to assist the applicant.

- ~~E. Concurrent overlay zone and subdivision applications. If the application involves subdivision of land, the applicant may apply for preliminary plat approval and the applications shall be heard concurrently.~~

*[E. In the case of concurrent applications for overlay, concept, and detailed plans including subdivision applications, the applicant shall clearly distinguish the concept from the*

*detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. approval of the overlay must precede the concept approval, which shall precede the detailed development approval); however each required action may be made at the same hearing.]*

*Staff note: The committee discussed separating the overlay and subdivision into two separate applications. The general consensus was to allow a joint filing of the application, but place greater emphasis on having the applicant clearly distinguish the two parts instead of merely "proposing a concept which is the detail". Additional text was added to clarify the three parts of the process and to require the Planning Commission to take distinct separate actions on each element of the PD.*

*Staff note: A 5-acre threshold for requiring separate applications is recommended for larger residential and mixed use projects to afford time between developing the concept and the detail plan to offer the greatest flexibility to the decision makers during the very formative stages of the planning process for a site. Commercial-only and Industrial-only projects are required to submit separate applications for concept and detail plans.*

#### **18.350.030 Administrative Provisions**

A. Zoning map designation. Where a planned development overlay zone has been approved, the zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

*[B. Prerequisite for filing of concept plan. If the applicant did not file for concurrent approval of the overlay and concept plan, prior to filing a detailed development plan, the owner shall prepare and file a conceptual development plan. Action on the conceptual development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.050.]*

*Staff note: The current code is inconsistent in its application of the three elements to the PD. To resolve this, a new section has been added to address applications that are developed following the overlay zone approval, when not done concurrently.*

~~B-[C.] Time limit on filing of detailed development plan. [If the overlay zone, concept, and detailed plan or preliminary plat were not heard concurrently, the owner shall prepare and file with the Director a detailed development plan] within 1-1/2 years after the date of Commission approval of the conceptual development plan. the owner shall prepare and file with the Director a detailed development plan. Action on the detailed development plan shall be [taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.060.] ministerial and taken by the Director by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria below:~~

- ~~1. The Director shall approve the detailed development plan upon finding that the final plan conforms with the conceptual development plan approved, or approved with conditions by the Commission. The detailed plan shall be approved unless the Director finds:~~
  - ~~a. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;~~
  - ~~b. The change reduces the amount of open space and landscaping;~~
  - ~~c. The change involves a change in use;~~

- d. ~~The change commits land to development which is environmentally sensitive or subject to a potential hazard; and~~
  - e. ~~The change involves a major shift in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements.~~
2. ~~A decision by the Director may be appealed by the applicant or other affected/approved parties to the Commission and the Commission shall decide whether the detailed development plan substantially conforms to the approved conceptual development plan based on the criteria set forth in Subsection 1 of this section. This appeal shall be governed by provisions of Section 18.390.040G.~~

*Staff Note: This section was deleted because now the detailed development plan is required to be heard by the planning commission, and the review criteria apply to the detailed plan and not the concept plan.*

- ~~C./D.] Extension.~~ The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
- 1. No changes have been made on the original conceptual development plan as approved by the Commission;
  - 2. The applicant can show intent of applying for detailed development plan *[or preliminary plat]* review within the one year extension period; and
  - 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

~~D./E.] Phased development.~~

- 1. The Commission shall *[may]* approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for conceptual development plan review.
- 2. The criteria for approving a phased detail development plan proposal are that:
  - a. The public facilities shall be constructed in conjunction with or prior to each phase; and
  - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.

~~E./F.] Substantial modifications to conceptual plan. *[If a detailed development plan or preliminary plat does not substantially conform to the conceptual plan, a new conceptual development plan shall be required.]* Substantial modifications made to the approved conceptual development plan shall require a new application.~~

*[G. Noncompliance. Noncompliance with an approved detailed development plan by the developer, owner or successors and interests shall be a violation of this chapter.]*

*Note: moved from 18.350.040.A*

*[H. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a*

*performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.]*

Note: moved from 18.350.040.B

**18.350.040 Noncompliance: Bond**

A. ~~Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.~~

B. ~~Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.~~

Note: moved to 18.350.030

**18.350.050 Applicability in Commercial and Industrial Zones**

A. ~~By election. An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.~~

B. ~~As condition of approval in commercial and industrial developments. An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.~~

Note: moved to 18.350.020.A

**18.350.060 Allowed Uses**

Note: moved to 18.350.050

A. ~~In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.100 B2. The following uses are allowed with planned development approval:~~

- ~~1. All uses allowed outright in the underlying zoning district;~~
- ~~2. Single family detached and attached residential units;~~
- ~~3. Duplex residential units;~~
- ~~4. Multi family residential units;~~
- ~~5. Manufactured homes;~~
- ~~6. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone;~~
- ~~7. Community building;~~
- ~~8. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;~~
- ~~9. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and~~
- ~~10. Recreational vehicle storage area.~~

- B. ~~In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.~~
- C. ~~In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.~~

#### **18.350.070 Applicability of the Base Zone Development Standards**

Note: moved to 18.350.060

- A. ~~Compliance to specific development standards. The provisions of the base zone are applicable as follows:~~
- ~~1. Lot dimensional standards: The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 18.715;~~
  - ~~2. Site coverage: The site coverage provisions of the base zone shall apply;~~
  - ~~3. Building height: The building height provisions shall not apply; and~~
  - ~~4. Structure setback provisions:~~
    - ~~a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;~~
    - ~~b. The side yard setback provisions shall not apply except that all detached structures shall meet the Uniform Building Code requirements for fire walls; and~~
    - ~~c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:~~
      - ~~(1) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street.~~
      - ~~(2) A minimum front yard setback of eight feet is required for any garage opening for an attached single family dwelling facing a private street as long as the required off street parking spaces are provided.~~
- B. ~~Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.~~

#### **18.350.080 Exceptions to Underlying Development Standards**

Note: moved to 18.350.060

- A. ~~Exceptions to parking requirements. The Commission may grant an exception to the off street parking dimensional and minimum number of space requirements in the applicable zone based on findings that:~~
- ~~1. The minor exception is not greater than 10 percent of the required parking; and~~
  - ~~2. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off street parking; or~~
  - ~~3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or~~
  - ~~4. Public transportation is available to the site, reducing the standards and will not adversely affect adjoining uses; or~~
  - ~~5. There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.~~

- ~~B. Exceptions to sign requirements. The Commission may grant an exception to the sign dimensional requirements in the applicable zone based on findings that:~~
- ~~1. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;~~
  - ~~2. The exception is necessary for adequate identification of the use on the property; and~~
  - ~~3. The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.~~
- ~~C. Exceptions to landscaping requirements. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan provides for 20% of the gross site area to be landscaped.~~

***[18.350.040 Planned Development Overlay Zone Requirements]***

Staff Note: This is a totally new section developed to address the shortcomings of using the somewhat irrelevant zoning map and text amendment criteria of 18.380. The basis for determination of applying a PD should be particular site constraints or opportunities, and an evaluation of whether such an overlay zone is appropriate for a given site.

- [A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050.]***
- [B. Additional information. In addition to the general information described in Subsection A above, the application for a Planned Development Overlay Zone shall include the following information, the detailed content of which can be obtained from the Director:***
- 1. Vicinity Map***
  - 2. Tax Map identifying subject parcel***
  - 3. Survey Data. An aerial photograph and an accurate survey showing the following information:***
    - a. Scale, north arrow, benchmark, and date of survey***
    - b. Tract boundary lines***
    - c. Easements: location width, and purpose***
    - d. Names and locations of existing road rights-of way on or adjacent or across streets to the tract, including bridges, curbs, gutters, driveways and culverts***
    - e. Position of buildings and other structures such as foundations, walls, fences, steps, and paved areas***
    - f. Utilities on or adjacent to the tract-location of gas lines, fire hydrants, electric and telephone pole& and street lights; and direction, distance to, and size of nearest water mains and sewers and invert elevation of sewers***
    - g. Location of wetlands, springs, streams, bodies of water, drainage ditches, watershed areas, flood plains, and other physical features***
    - h. Outline of wooded areas with names and condition of plant material***
    - i. General topographic information***
    - j. Additional information may be needed, depending on site complexities such as soil information and studies of the geological structure of the site. Requirements for additional information will be determined during the preapplication conference.]***
- [4. Basic Site Analysis. The physical analysis of the site is developed primarily from field inspections. Using the survey, the aerial photograph, and where warranted, infrared***



aerial photographs, the site designer, working in the field and in the office, verifies the survey and notes site design determinants. These should include, but not be limited to the following:

- a. Areas of steep and moderate slopes
- b. Macro and microclimatic conditions, including sun angle during different seasons; prevailing breezes; wind shadows; frost pockets; and sectors where high or low points give protection from sun and wind
- c. Potential flood zone and routes of surface water runoff
- d. Possible road access to the site, including potential conflicts with existing road systems and carrying capacities of adjacent roadways.
- e. Pedestrian, bicycle and transit access
- f. Natural ecological and aesthetic areas as designated by Goal 5.
- g. Significant wildlife habitats that would be affected by site modification according to a wildlife assessment together with a list of mitigation measures or limitations.
- h. Soil conditions relative to supporting plant material, areas suitable for construction, erosion potential and septic tanks, if relevant
- i. Geological considerations relative to supporting structures
- j. Exceptional views; objectionable views (use photographs)
- k. Adjacent existing and proposed land uses and zoning classifications within 500 feet with notations on compatibility and incompatibility
- l. Potential noise sources, particularly noise generated from traffic that can be mitigated by using plants, berms, and walls and by increasing buffer distance between the source and the receiver.]

**[C. Approval Criteria.** An application for approval of a Planned Development Overlay Zone must provide findings which shall be reviewed according to the following criteria and not the criteria of 18.380. In determining whether a site is appropriate for a Planned Development Overlay Zone, the Commission shall find that at least one of the following criteria is met:

1. The site is unusually constrained by parcel size or configuration.
2. Access to the site is constrained by preexisting development.
3. The site is constrained by the presence of sensitive lands.
4. There are other unique circumstances that prevent the site from being developed in conformance with the applicable standards in this Title.
5. In the case of a consolidated application for overlay and concept plan approval, the applicant has demonstrated that the site lends itself to an innovative planning approach, that cannot be achieved through a standard application of the Development Code standards.
6. In the case where the approval authority has required a planned development review as a condition of approval for a commercial or industrial development 18.350.020.A, the overlay zone shall automatically be applied.]

**18.350.090 [18.350.050 Conceptual Development Plan Submission Requirements]**

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type IIIB[-PC] procedure, as governed by Section 18.390.050 [and the additional information required by 18.350.040.B.] In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. [The statement should be explicit in

*defining the architectural style, and what sorts of innovative site planning principles are utilized including any innovations in building techniques that will be employed. Furthermore, the statement should explain how the proposal relates to the purposes of the Planned Development Chapter as expressed in 18.350.010.]*

**Staff Note:** A stronger tie-in with the purposes of the planned development principles is included here. While the purpose is not a review criteria, the burden of explaining how the proposal meets these goals should fall upon the applicant.

2. A general development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
  3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. *[In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.]*
  - ~~5.~~ A narrative statement presenting information, a detailed description of which is available from the Director.
- B. Additional information. In addition to the general information described in Subsection A above, the conceptual development plan, data, and narrative shall include the following information the detailed content of which can be obtained from the Director:
1. Existing site conditions;
  2. A site concept *[including the types of proposed land uses and housing types, and their general arrangement on the site];*
  3. A grading concept;
  4. A landscape *[vegetative cover]* concept *[indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s)];*
  - [5. Parking concept]*
  - ~~5.~~*[6.]* A sign concept; and
  - ~~6.~~*[7.]* A copy of all existing *[and/or]* proposed restrictions or covenants~~;~~*;*
  - [8. A streets and utility concept; and]*
  - [9. A Structure Setback and Development Standards concept, including the proposed residential density target if applicable]*
  - [10. The pedestrian, bicycle and access concept including routes to transit, schools and other neighborhood activity centers.]*

***[C. Allowable Uses]***

**Staff Note:** these were moved from 18.350.060

- [1. In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.100 B2. The following uses are allowed with planned development approval:*
  - a. All uses allowed outright in the underlying zoning district;*
  - b. Single-family detached and attached residential units;*
  - c. Duplex residential units;*
  - d. Multi-family residential units;*
  - e. Manufactured homes;*

- f. *Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to the uses permitted in the zone, such as personal services, preschool or daycare, and retail uses less than 5,000 s.f. in sum total;*
- g. *Community building;*
- h. *Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;*
- i. *Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and*
- j. *Recreational vehicle storage area.]*

*[2. In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.]*

*[3. In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.]*

*[D. Approval Criteria. Application submittals must include findings to provide the Commission the basis to make findings that the following criteria are satisfied when approving or approving with conditions, the conceptual plan. The Commission shall make findings that the criteria are not satisfied when denying an application.]*

- [1. The concept plan includes specific designations for areas of open space, their intended level of use, and how they relate to other proposed uses on the site]*
- [2. The concept plan identifies areas of significant natural resources and identifies methods for their maximized protection, preservation, and/or management]*
- [3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.]*
- [4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.]*
- [5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.]*
- [6. The concept plan identifies other amenities or innovations that would distinguish the project from other standard developments.]*

*Staff Note: This section is entirely new. Conceptual plan criteria were previously the general approval criteria of 18.350.100, which have now been incorporated as approval criteria for the detailed plan.*

#### ***[18.350.060 Detailed Development Plan Requirements]***

*Staff Note: This section is a combination/consolidation of 18.350.060 Allowed Uses, 18.350.070 Applicability of Base Zone Development Standards, 18.350.080 Exceptions to Underlying*

*Development Standards, and 18.350.100 Approval Criteria, as well as some additional changes. Where language has been carried forward from other sections, these are shown as unchanged text, even though the numbering may be different. This is to better distinguish where substantive language changes have been made to previous standards.*

- A. General submission requirements.** *The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the information contained in 18.350.050A.*
- B. Additional Information.** *In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:*
- 1. Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed*
  - 2. A specific development schedule indicating the approximate dates of construction activity, including demolition, tree protection installation, ground breaking, grading, public improvements, and building construction for each phase.*
  - 3. Contextual Analysis*
    - a. Building typology and hierarchy: An analysis of the particular building type (residential, commercial, public) relative to the hierarchy of the various building types in the city is useful in deciding the general design approach of a new building. For example, public buildings may be dominant in placement and design, while residential buildings are subordinate, it is important to maintain any existing hierarchy that reinforces visual order in the city. Any predominant architectural solutions and details characteristic of a building type incorporated in the new building's design can help maintain a recognizable building type.*
    - b. Regional character: An analysis of the city's regional architectural characteristics is appropriate in developing a design solution that responds to unique regional characteristics. Regional characteristics may be revealed through unique architectural types, through vernacular building resulting from local climatic and cultural characteristics, and from historically significant architecture. Historic structures should be saved by modifying them for the proposed new use or by incorporating parts of the existing structure(s) into the proposed design.*
    - c. City form: The delineation of city form created by road layout, location of major open spaces, and architecture-created forms should be analyzed. Elements that delineate city form should be reinforced by architectural development solutions for a particular place within the city. For example, a building proposed for a corner site should be designed to reinforce the corner through building form, entrance, and design details. A building proposed for midblock may be a visually unifying element providing connection and continuity with adjacent buildings. Sites at the ends of important vistas or adjacent to major city squares probably should be reserved for important public buildings.*
    - d. Building scale and fenestration: It is important to analyze building scale and fenestration of nearby structures. Reflecting, although not necessarily reproducing, such detailing in the proposed building can provide visual unity and continuity in the architectural character of the city. One example is the use and placement of cornice lines to define the building's lower floors in relation to adjacent buildings. Cornice lines also can define the building's relationship to pedestrians in terms of scale and use.*
    - e. Building transition: Sometimes it may be appropriate to use arcades and porches to*

*provide transition between the building's private interior and the public sidewalk. Including them may be especially worthy if adjacent buildings have these elements*

- f. Views: Important city views of plazas, squares, monuments, and natural features such as waterfronts and parks should be considered. It is important to design the proposed structure to enhance and preserve such views for the public and for inhabitants of nearby buildings, as well as incorporating them as views from the proposed building.*

**4. Moderate to High Density Development Analysis.** *If proposing development in an area with an "urban context", the following additional information may be required:*

- a. Air movement: Prevailing breezes characteristic of a region may be greatly modified by urban high-rise structures. Predominant air movement patterns in a city may be along roadways and between buildings. The placement, shape, and height of existing buildings can create air turbulence caused by micro air movement patterns. These patterns may influence the location of building elements such as outdoor areas and balconies. Also a building's design and placement can mitigate or increase local wind turbulence.*
- b. Sun and shadow patterns: The sun and shadow patterns of existing structures should be studied to determine how they would affect the proposed building. This is particularly important for outdoor terraces and balconies where sunlight may be desirable. Sun and shadow patterns also should be considered as sources of internal heat gain or loss. Building orientation, window sizes and shading devices can modify internal heat gain or loss. Studies should include daily and seasonal patterns and the shadows the proposed building would cast on existing buildings and open spaces.*
- c. Reflections: Reflections from adjacent structures such as glass-clad buildings may be a problem. The development should be designed to compensate for such glare or if possible, oriented away from it.*

**C. Compliance with specific development standards.** *The Detailed Development Plan shall conform to the provisions of the base zone as follows:*

- 1. Lot dimensional standards: The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 18.715; There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.*

*Staff note: the provisions related to computation of density were moved to subsection E.2., below. To address the concern related to small lot sizes abutting larger parcels exterior to the PD, a method to transition lot sizes was added, so that perimeter lots could be no less than 80% of the base zone lot size, the same as would be allowed with a standard subdivision.*

- 2. Site coverage: The site coverage provisions of the base zone shall apply; The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%;*

*Staff note: the previous standard required compliance with the underlying zone, which is in conflict with the PD standards that require 20% landscaping.*

- 3. Building height: The building height provisions shall not apply; and Any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building.*

*Staff note: the previous standard was a blanket exemption on the height limits.*

4. Structure setback provisions:

- a. ~~Front yard and rear yard~~ Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;

*Staff note: the previous standard only required front and rear yard setbacks to be maintained. should be replaced by something more explicit and clearer, such as a perimeter setback. Setbacks may be required from internal roads that are not designed to serve abutting parcels. ie. Private streets.*

- b. ~~The side yard setback provisions shall not apply except that all detached structures shall meet the Uniform Building Code requirements for fire walls; and~~
- c. ~~Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:~~
- (1) ~~A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street.~~
- (2) ~~A minimum front yard setback of eight feet is required for any garage opening for an attached single family dwelling facing a private street as long as the required off street parking spaces are provided.~~
- b. *The setback provisions for all setbacks on the interior of the project shall not apply except that:*
- i. *All structures shall meet the Uniform Building and Fire Code requirements;*
- ii. *A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.*
- iii. *A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages that do not access public streets, if specified on the detailed plan and proper clearances for backing movements are accounted for.*
- c. *If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The applicant may propose, or the commission may require, actual structure footprints to be shown and adhered to.*
5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.

**D. Conformance with the Conceptual Plan required. The Director Planning Commission shall approve the detailed development plan upon finding that the plan conforms with the conceptual development plan approved, or approved with conditions by the Commission. The detailed plan shall be approved unless the Director finds: A change from the conceptual plan may be acceptable unless:**

1. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;
2. The change reduces the amount of open space and landscaping;

3. The change involves a change in use;
4. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and
5. The change involves a major shift in the location of buildings, proposed streets, parking lots configuration, utility easements, landscaping or other site improvements.

**E. Detailed Development Plan Approval Criteria.** *If the detailed plan is found to be in conformance with the conceptual plan, the following specific review criteria must additionally be satisfied. Applications shall provide findings to provide the Commission with the basis to make findings that the following criteria are satisfied when approving or approving with conditions, the detailed plan. The Commission shall make findings that the criteria are not satisfied when denying an application.*

1. All the provisions of the land division provisions, Chapters 18.410, 18.420 *Partitions* and 18.430 *Subdivisions*, shall be met;

**Staff Note:** 18.410 was deleted since this chapter refers to lot line adjustments, not land division.

2. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission, that promote the purpose of this section [chapter]. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. ***The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.*** ~~The developer may choose to provide or the commission may require additional open space dedication and/or provision of additional amenities, landscaping or tree planting.~~

**Staff note:** this subsection is a combination of 18.350.070 and 18.350.080. The suggestion that the commission may require additional open space is replaced by a later criterion that stipulates a mandatory amount of open space.

**[a. Chapter 18.360, Site Development Review.]** The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.

**Staff Note:** The current PD chapter exempts PD projects from SDR criteria. The committee suggested that the SDR criteria should be applied, as there were some areas that were not addressed by the PD criteria. Staff compared the two sets of standards and found that only 18.360.090.3 (Exterior Elevations) and 18.360.090.9 (Demarcation of semi public and private spaces) were omitted entirely. The other SDR criteria were substantially the same. The omitted sections have been added into this chapter. By having the review criteria in the PD chapter they can be tailored to specific PD issues. As a result, staff is recommending that the exemption from SDR criteria remain.

- b. Chapter 18.705, Access, Egress and Circulation. ***[The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer***

*that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).]*

- c. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, *[using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.]*

The Commission may further authorize a density bonus *[as defined in 18.120]* not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

*Staff note: This section has been slightly revised. First, a provision was added to allow density to be transferred within the PD. For example if a PD included an acre of R-12 and an acre of R-7 zoning a total of 19 units would be permissible. Rather than require 12 units on one acre and 7 on the other, the commission may allow a reallocation of density to either spread it out (an aggregate of about R-10) or concentrate it in one area of the site.*

- i. *[A 1% bonus for each 5% of the gross site area set aside in open space, up to] a maximum of [5%]3%, is allowed for the provision of active use recreational open space, exclusive of areas contained in floodplain, steep slopes, drainageways, or wetlands that would otherwise be precluded from development;*

*Staff note: a formula of 1% per 5% was added for more objective guidance. Also, since mandatory open space (in some fashion, either minimal use, passive use or active use) is a recommended requirement, and sensitive lands are typically reserved by other regulations for open space, this creates an incentive for providing active recreational area.*

- ii. *A maximum of 3% is allowed for landscaping; streetscape development; developed open spaces, plazas and pedestrian pathways and related amenities; recreation area development; and/or retention of existing vegetation [A 1% bonus for each 1% of total project cost invested in development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the "Planning Commission's Toolbox," up to a maximum of 5%]*

*Staff note: a formula of 1% to 1% project cost was added for more objective guidance.*

- iii. *A maximum of 3% is allowed for creation of visual focal points; use of existing physical amenities such as topography, view, and sun/wind orientation;*

*Staff Note: aside from visual focal points, which is really tough to assign a value to, these other items are market driven and generally will be utilized by the developer to reduce project costs (less grading) or increase lot values (sun, view). This section should be deleted.*



- iv. ~~A maximum of 3% quality of architectural quality and style; harmonious use of materials; innovative building orientation or building grouping; and/or varied use of housing types.~~

*Staff Note: This is the stated purpose of PD's. Why should a bonus be provided for projects that do what they are supposed to do? Perhaps varied use of building types and/or pricing levels to meet affordable housing objectives would be something to consider, but as written, this bonus provision should be removed. Another consideration would be to grant density reductions, based on site specific criteria with a potential mitigation program (i.e. Transfer of Development Rights)*

- d. Chapter 18.745, Landscaping and Screening. *[The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the gross site area to be professionally landscaped, and meets the intent of the specific standard being modified.]*

*Staff Note: The requirement for a licensed landscape architect was added to ensure that a greater understanding of plant types and their appropriate uses and placement is followed in the development of a landscape plan. A professionally prepared landscape plan should also be able to show how a specific standard may be met through an alternate means, e.g. a narrower buffer with a greater use of evergreen trees and shrubs, instead of a masonry wall.*

- e. Chapter 18.765, Off-street Parking and Loading Requirements. *[ The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone based on findings that:*
- i. The minor exception is not greater than 10 percent of the required parking; and*
  - ii. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or*
  - iii. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or*
  - iv. Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or*
  - v. There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.]*

f. Chapter 18.780, Signs. *The Commission may grant an exception to the sign dimensional requirements in the applicable zone based on findings that:*

    - i. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;*
    - ii. The exception is necessary for adequate identification of the use on the property; and*
    - iii. The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.*

g. Chapter 18.795, Visual Clearance Areas. *[The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;]*

*[h. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. In addition, deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission retains the ability to not allow an exception but may not grant an exception to street standards not sanctioned by the City Engineer, other than through the procedures in 18.370, Variances and Adjustments. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:*

- i. public safety will not be compromised*
- ii. in the case of public streets, maintenance costs will not be greater than with a conforming design.*
- iii. the design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.]*

Staff note: Adding Chapter 18.810 is new, but the exemptions are limited. The applicable sections from this chapter refer to specific site planning standards such as block length dimensions, general connectivity, and lot size and shape. There are certainly cases to be made where these standards do not fit a particular design concept that better meets the intent. An allowance for the city engineer has also been included for the other street and utility standards with a very narrow allowance for deviations. Public streets and utilities are the domain of the city engineer and public traffic circulation and safety are his charge. However, there may be instances where new technologies or design techniques are superior and have not been able to be codified in standards. This would permit use of such techniques or standards.

3. In addition, the following criteria shall be met:

a. Relationship to the natural and physical environment:

- i. The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. *[The commission may require the applicant to demonstrate why a particular alternate site plan that may result in greater preservation of trees, topography and natural drainage would either not be feasible or would result in a greater loss of those resources;]*
- ii. Structures located on the site shall not be in areas subject to ground slumping and sliding *[as demonstrated by the inclusion of a specific geotechnical evaluation;]*
- ~~(3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;~~

Staff Note: the previous requirement "There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection" was deleted since the perimeter setback requirement should account for offsite separation distance. Fire and building codes regulate on site building separation. If not attached, typical setbacks are three feet (6 feet between buildings.).

- [iii. Using the basic site analysis information from the conceptual plan submittal,] the structures shall be oriented with consideration for the sun and wind directions, where possible; and*

- ~~(5) Trees preserved to the extent possible. Replacement of trees is subject to the requirements of Chapter 18.790, Tree Removal.~~

*Staff note: the previous requirement "Trees preserved to the extent possible." Was deleted as it repeated subsection (18.350.060.F.3.a.i.) above. In that standard, the commission may require the applicant to defend why their plan achieves greater protection than an alternative concept proposed by the commission or why the commission's plan is infeasible.*

- b. Buffering, screening and compatibility between adjoining uses:
- i Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;
  - ii In addition to the requirements of the buffer matrix (Table 18.745.1), *the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering and screening with alternate materials or methods.* The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745.:

*Staff note: a registered landscape architect is required to prepare a plan for requesting landscaping adjustments in order to ensure a greater level of appropriate plant type understanding to satisfy the following.*

- (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
  - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
  - (c) The direction(s) from which buffering is needed;
  - (d) The required density of the buffering; and
  - (e) Whether the viewer is stationary or mobile.
- iii. On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
- (a) What needs to be screened;
  - (b) The direction from which it is needed; and
  - (c) Whether the screening needs to be year- round.
- c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- [d. Exterior elevations – residential use: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:*
- i. Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;*
  - ii. Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and*
  - iii. Offsets or breaks in roof elevations of three or more feet in height.]*

e. Private outdoor area – *residential multi-family* use:

**Staff note:** These standards were revised to apply to all residential (single family and multi family) development. Previously, only multi family dwellings.

- i. In addition to the requirements of subparagraph (3), *[Exclusive of any other required open space facility,]* each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet *[with a minimum width dimension of four feet.]*
- ii. Wherever possible, private outdoor open spaces should be oriented toward the sun; and
- iii. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

f. Shared outdoor recreation *and open space facility* areas – *residential multi-family* use:

- i. In addition to subparagraphs (2) and (3) of this section *Exclusive of any other required open space facilities*, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
  - (a) Studio units up to and including two bedroom units, 200 square feet per unit;
  - (b) Three or more bedroom units, 300 square feet per unit.
- ii. Shared outdoor recreation *and open space* shall be readily observable from adjacent units for reasons of crime prevention and safety;
- iii. The required recreation space may be provided as follows:
  - (a) It may be all outdoor space; or
  - (b) It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or
  - (c) It may be all public or common space; or
  - (d) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room, and balconies on each unit; or
  - (e) Where balconies are added to units, the balconies shall not be less than 48 square feet.
  - [(a) Additional outdoor passive use open space facilities;*
  - (b) Additional outdoor active use open space facilities;*
  - (c) Indoor recreation center; or*
  - (d) A combination of the above.*

**Staff Note:** The SDR standards permit balconies to be used for semi public outdoor area, but this seems a weak level of excellence to expect from a planned development project, therefore its recommended that this provision be deleted.

*[g. Demarcation of public, semi-public and private spaces for crime prevention:*

- i. *The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and*
- ii. *These areas may be defined by, but not limited to:*
  - (a) A deck, patio, low wall, hedge, or draping vine;*
  - (b) A trellis or arbor;*

- (c) *A change in elevation or grade;*
- (d) *A change in the texture of the path material;*
- (e) *Sign; or*
- (f) *Landscaping.]*

h. Access and circulation:

- i. The number of *[required]* allowed access points for a development shall be provided in Chapter 18.705;
- ii. All circulation patterns within a development must be designed to accommodate emergency *[and service]* vehicles; and
- iii. Provisions shall be made for pedestrian and bicycle ways *[abutting and through a site]* if such facilities are shown on an adopted plan *[or terminate at the boundaries of the project site].*

i. Landscaping and open space:

- i. Residential Development: In addition to the *[buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities]* requirements of subparagraphs (4) and (5) of section a of this subsection, a minimum of 20 percent of the site shall be landscaped. *[This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan and surety for such landscape installation];*
- ii. ~~Commercial Development: A minimum of 15 percent of the site shall be landscaped; and~~
- iii. ~~Industrial Development: A minimum of 15 percent of the site shall be landscaped;~~

*Staff note: These sections were deleted as they are repeated in and conflict with 18.350.060.D.2. Site Coverage.*

j. Public transit:

- i. Provisions for public transit may be required where the site abuts *[or is within a ¼ mile off]* a public transit route. The required facilities shall be based on:
  - (a) The location of other transit facilities in the area; and
  - (b) The size and type of the proposed development.
- ii. The required facilities *[may include but are not necessarily limited to]* shall be ~~limited to~~ such facilities as:
  - (a) A waiting shelter;
  - (b) A turn-out area for loading and unloading; and
  - (c) Hard surface paths connecting the development to the waiting area.

i. ~~Signs:~~

- i. ~~In addition to the provisions of Chapter 18.780, Signs:~~
  - (a) ~~Location of all signs proposed for the development site; and~~
  - (b) ~~The signs shall not obscure vehicle driver's sight distance;~~

*Staff Note: the sign requirements were deleted as redundant and meaningless criteria.*

k. Parking:

- i. All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter Chapter 18.765;
  - ii. Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.
- l. Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.775 [18.810], and the criteria in the adopted 1981 master drainage plan. *An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.*
- m. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- n. ~~18,350.110~~ Shared Open Space [Facilities].
  - A. ~~Requirements for shared open space. Where the open space is designated on the plan as common open space the following applies:~~
    - 1. ~~The open space area shall be shown on the final plan and recorded with the Director; and~~
    - 2. ~~The open space shall be conveyed in accordance with one of the following methods:~~
      - a. ~~By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations:~~
      - b. ~~By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:~~
        - (1) ~~The continued use of such land for the intended purposes;~~
        - (2) ~~Continuity of property maintenance;~~
        - (3) ~~When appropriate, the availability of funds required for such maintenance;~~
        - (4) ~~Adequate insurance protection; and~~
        - (5) ~~Recovery of loss sustained by casualty and condemnation or otherwise.~~

~~e. By any method which achieves the objectives set forth in Subsection 2 above this section.~~

*[Exclusive of any other required open space facilities or buffer areas, the detailed development plan shall designate a minimum of 20% of the gross site area as an open space facility. The open space facility may be comprised of any combination of the following:*

*i. Minimal Use Facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).*

*ii. Passive Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.*

*iii. Active Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.]*

~~1. iv. The open space area shall be shown on the final plan and recorded with the Director; and~~

- [o. Open Space Conveyance.** *Where a proposed park, playground or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.*

*Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:]*

- [i. Public Ownership.]** ~~By dedication to the City as publicly owned and maintained as open space.~~ Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. *[A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge credits. If deemed to be not acceptable, the open space shall be in private ownership as described below];*

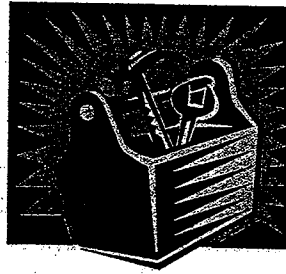
- [ii. Private Ownership.]** ~~By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:~~

~~(1) The continued use of such land for the intended purposes;~~

- (2) Continuity of property maintenance;*
- (3) When appropriate, the availability of funds required for such maintenance;*
- (4) Adequate insurance protection; and*
- (5) Recovery for loss sustained by casualty and condemnation or otherwise.*

~~(e) By any method which achieves the objectives set forth above in this section.~~





## THE PLANNING COMMISSIONERS' TOOLBOX

The following list and illustrations are intended to provide guidance to both the Planning Commission and the applicant in developing and reviewing applications for Planned Developments. A planned development approval should be reserved for situations where either the peculiarities of the developing parcel or the specific proposed design deserve special judgmental consideration outside the strict constraints of the subdivision ordinances. In evaluating a proposal, the commission should see evidence that the applicant has conducted a site analysis.

### SITE ANALYSIS

- Survey Data (scale, north arrow, date, boundary, easements, abutting rights of way, existing buildings and paved areas, utilities, location of water features, tree data, contour intervals)
- Constraint Analysis (steep slopes, flood zones, surface water channels, road access, geologic soil constraints, adjacent land uses, major noise sources)
- Opportunities (sun angles, pedestrian linkages, exceptional views, wildlife habitat areas, tree groves)

### CONVENTIONAL YIELD PLAN

- This plan should show a conforming subdivision that has no special attributes. The basic premise is to just show how density can be achieved by meeting the standards.

### PROPOSED PLAN

- This plan reflects the maximization of opportunities and avoidance of the constrained portions of the site. There should be no regard to what the typical development standards require. The objective here is design excellence.

### PLAN SUBMITTAL REQUIREMENTS

#### ***Conceptual Plan Requirements:***

If applying for conceptual and detailed plan approval at the same time, the concept plan must be presented at the neighborhood meeting. The applicant and planning staff shall determine at the preapplication conference whether a joint conceptual/detail plan can be submitted or, based on the size or complexity of the project, whether the two approvals must remain separate. It is the express intention that the concept is entirely open for discussion. The applicant is responsible for soliciting input and documenting the ideas that are put forward during the meeting. There is no obligation to revise the plan based on this meeting, but the planning commission can examine and request defensive

argument from the applicant on why a particular concept raised at the meeting was not further explored or if explored, why it was not chosen.

If applying for concept plan approval prior to detail plan (i.e. separate actions), the same neighborhood meeting method shall be used, except that after the PC approves the concept, the detail plan that implements the concept is not open for discussion as far as changing the concept elements. For example if the PC approved a 3 and 4 unit attached product for 15 units, 80% max coverage, reduced front and rear setbacks, 22% open space, with an alpine flair, while certain aspects of the detail are alterable like building orientation and placement, street layout etc., the PC could not come back and require additional open space, limit the buildings to 3 units only, reduce lot coverage and require a cosmopolitan style design, without the applicant's consent.

Concept Plan should identify the following:

- Housing type (duplex, attached, detached, zero lot line, efficiency units, flats, apartments)
- Use Type (Services and Commercial Uses for PD residents Community Building Indoor Rec Facility Outdoor Rec Facility RV Storage, Residential Living)
- Should other uses be considered, such as neighborhood retail <5,000g.s.f.? Would require amending the list of allowable uses.
- Number of units (or range, within the allowable densities of 18.715 and 18.350)
- Lot coverage specs.
- Setbacks (front, garage, rear, side, street side, any specific projections such as porches or decks)
- Parking (where any additional is provided off street, except for in garages)
- Percent of open space (range or ballpark estimate)
- Other unique site design aspects that would be assisted by the PD process (such as rear loaded alley units, front yards out to open space, common courtyards between homes, unique street design, odd shaped lots, etc.)
- Development theme-(e.g. English Park-tudor style architecture with old english park benches OR Northwest Forest – Craftsman with natural materials highlighted throughout, boulders in landscaping)
- Schedule for construction/completion

#### ***Detail Plan Requirements.***

There is a provision allowing an applicant to receive concept plan approval at PC and then through an SDR get detail plan approval at a staff level. This should not be permitted. There is too far a leap between the concept and detail to infer the PC's intent. In other words, the concept should be just that, a concept. Leave it loose, for public and PC discussion. The detail plan (which in all likelihood would be submitted simultaneously) needs to show how the concept is being implemented.

The Detail Plan should include the following:

- Site plan
- Building Envelope Plan (setbacks which could also include specific allowances for porches, dormers, bay windows, lot coverage, height, other site development specs.)

- Lot plan (i.e. preliminary plat)
- Landscape plan
- General Utility Plan(s) (sewer, water, streets, drainage, etc)
- Preliminary street profiles
- Architectural details or design controls (CC&R's) both for the structures and for other site amenities (benches, street lights, ped path lights, walkways, bike racks etc)

#### **FOR COMMISSIONER CONSIDERATION:**

These are not criteria for approval but are instead intended to be considered by the commission to help determine whether the project sustains the burden for granting variations to the other development standards in the code.

#### **-Open Space/Natural Area**

The degree of open space required should be commensurate with the intensity of the density within the development. In other words, if the homes are packed tight together with small lot sizes, more open space should be required. Mathematically, this could be expressed in percentages: if the average lot size of PD lots in the R-7 zone are 3,000 square feet, they are 40% smaller than required in the zone. Therefore, 40% open space or natural area should be provided. If there is unsuitable area for open space or natural areas on site, then the applicant may propose to pay a fee in lieu or an off site location, which the commission may accept or reject.

There should be a baseline requirement for "Natural Areas or Open Space" with any PD. A minimum of 20% of the net buildable area should be reserved. This may be a combination of:

Natural Area. An area of land and/or water that has a predominantly undeveloped character.

Natural areas may be pristine, or may have been previously affected by human activity such as vegetation removal, agriculture, grading or drainage if such areas retain significant natural characteristics, or have recovered or been restored to the extent that they contribute to the City's natural systems including hydrology, vegetation, or wildlife habitat. Natural areas shall be permanently reserved by common ownership among the owners of a development, dedicated to the public, or by other appropriate means committed to the use for which it was intended.

Open Space. Land to remain in natural or landscaped condition for the purpose of providing a scenic, aesthetic appearance and/or protecting natural processes, providing passive or active recreational uses, and/or maintaining natural vegetation. Open space shall be permanently reserved by common ownership among the owners of a development, dedicated to the public, or by other appropriate means committed to the use for which it was intended.

- a. Active Use Recreational Facilities: Facilities for recreational uses that tend to be more organized and/or that require a greater degree of site development and conversion of natural area, including sports fields, playground equipment, group picnic shelters, hard surfaced pathways, permanent restrooms, accessory parking lots and similar facilities.

- b. Passive Use Recreational Facilities: Facilities for recreational uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft-surface trails, signs, pedestrian bridges, seating, viewing blinds, observation decks, handicapped facilities, drinking fountains, picnic tables, interpretive facilities, and similar facilities.

If the amount of natural area does not meet or exceed 20%, then the applicant should provide additional area (either open space or created or enhanced natural area). With CWS's consent, buffer areas may be utilized for some passive recreational uses.

If the development proposed a condo or multi family project (no lots, and therefore no lot size equation) then the minimum 20% would be required and then the formula in [18.350.100.B.3.e.] would be used to determine additional increases: usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts: (1) Studio up to and including two-bedroom units, 200 square feet per unit; and (2) Three or more bedroom units, 300 square feet per unit.

Unlike the similar SDR criteria which allows balconies and semi-public/private yards behind the units, this space would have to be in a consolidated form for all occupants of the development (See The Village at Washington Square for an example).

#### **-Lot Size Transition.**

Lots that abut existing single family lots which conform to the lot size standard in the zone should transition to smaller lot sizes interior to the subdivision. This should not apply to lots across a public street, open space, or significant natural resource from existing SFD's. (When exempting this requirement due to the presence of significant natural resources or open space, the commission shall determine that the width of the intervening area provides a suitable buffer. Typically this buffer would be the equivalent depth of a conforming lot)

Since averaging lot sizes is permissible in standard subdivisions, the minimum size for lots abutting existing SFD's should be no less than 80% of the minimum size for that zone. An exception to this standard should be recognized for attached single family units (3 or more per building). In cases where attached units directly abut SFD's, the commission may consider limiting the number of contiguous units to break up the massing of the building, or change the orientation of the units, or require additional architectural design features to mitigate for the height and bulk of the proposed building. It is within the purview of the commission to stipulate building height envelopes as well as setback envelopes if an impact nexus can be shown.

#### **- Open Space Amenities**

In addition to passive use recreational trails, the commission may require a program of interpretive signage to be installed if deemed relevant and sensible. The purpose of this signage would be to educate users about either how the development was responsive to the natural features and constraints on the site, or aspects of the environment and ecosystem present on the site. The commission may require final review and approval of the sign design templates and proposed locations.

#### **- Transit and Pedestrian Networks**

For larger scale developments, an integrated system of off street pedestrian trails should connect various points both within and adjacent to the development. Opportunities for future trail extensions (similar to the future streets plan) should be explored as well.

Also, transit amenities should be incorporated where relevant (i.e. where bus service is available or planned in the Transportation System Plan). Other considerations for school bus transport (such as rain shelters) could be provided, but should be in a highly visible location and designed to thwart vandalism and other criminal acts.

#### **- Intensity of Density**

The amount of density above the minimum should be correlated to the level of added amenities the applicant is proposing. The commission should feel that on the whole, the project is going above and beyond the minimum level and quality of improvements.

#### **- Other Amenities**

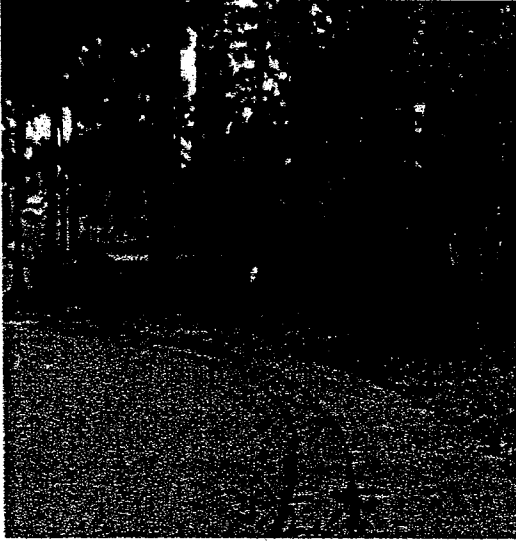
The developer may propose other types of amenities that make a project unique. These can include public art or sculptures, fountains, artificial water features, professionally designed landscape theme (for lots or common tracts),

#### **- Public Facility Design Features**

- Retaining walls should be constructed or faced with natural or natural appearance materials. Large mass retaining walls should be discouraged, unless forming a public space. Generally, walls should not exceed 4 feet in height.



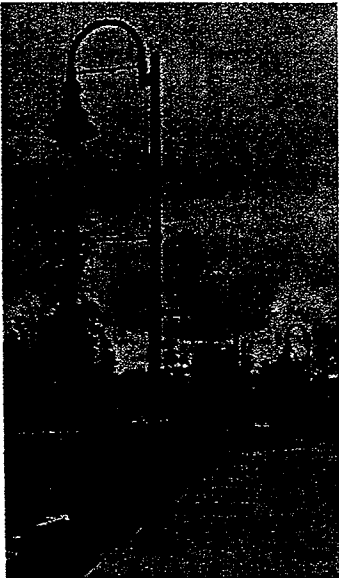
- Sidewalks should be allowed to step off the beaten path:



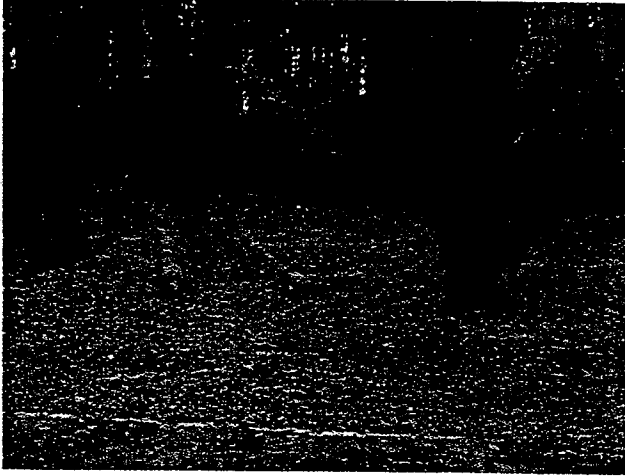
- The shortest distance may be a straight line, but that is not always a good thing.



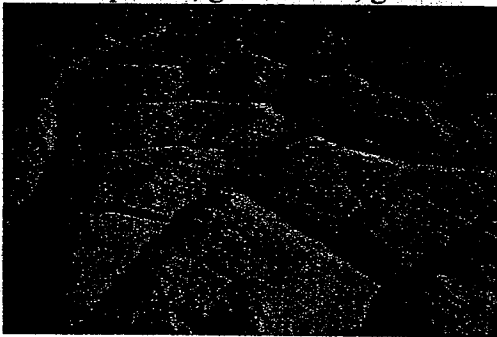
- Fixtures should be distinctive:



- Open Spaces should be inviting



- Innovative and/or unique building materials should be used, such as brick or other modular pavers, green roofs, green streets,



## OTHER IDEAS:

- Standard subdivision only allowed for projects meeting minimum density. All other projects must go through a PD process. This provides the much needed incentive to direct projects to the PD review, while still allowing an owner to pursue an administrative approval. This also balances the higher density impacts with a higher degree of oversight. Lower density projects have not been as controversial, and are generally less impacting on natural resources and adjoining neighbors.

- Purpose validation: The developer/applicant should address how their project achieved the following principles:

Housing stock diversity?

Architectural Detail and Diversity?

Pedestrian Amenities?

Improved Public Safety?

Accommodates Children and/or seniors?

Sustainable Development?

Preservation of significant natural resources?

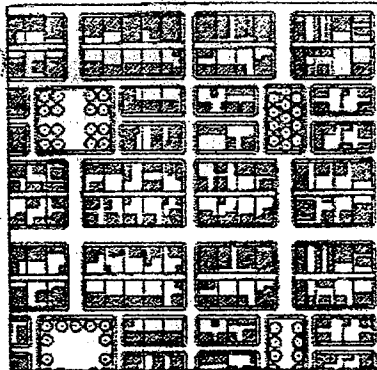
Integration with the existing neighborhood?



# PLANNING BASICS<sup>1</sup>

**Plan Layout Type.** In small projects, the specific layout may not be apparent, but this may help to identify what the greater neighborhood plan is, and whether the proposal is consistent with the general pattern around it.

**Orthogonal Grid**



SAVANNAH

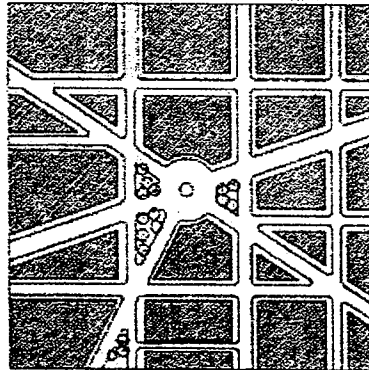
**ADVANTAGES**

1. Excellent directional orientation
2. Lot variety controllable
3. Street hierarchy with end blocks for through traffic
4. Even dispersal of traffic through the grid
5. Straight lines enhance riding terrain
6. Efficient double-loading of alleys and utilities

**DISADVANTAGES**

1. Monotonous unless periodically interrupted
2. Does not accommodate environmental interruptions
3. Unresponsive to steep terrain

**Grid with Diagonals**



WASHINGTON, D.C.

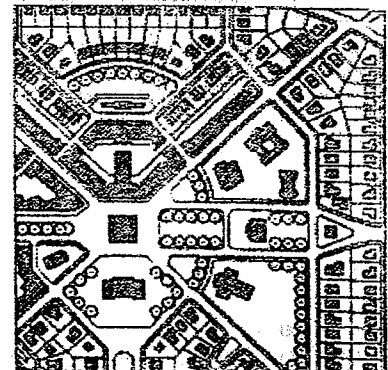
**ADVANTAGES**

1. Street hierarchy with diagonals for through traffic
2. Even dispersal of traffic through the grid
3. Diagonals respond to the terrain
4. Diagonals interrupt monotony of the grid

**DISADVANTAGES**

1. Uncontrollable variety of blocks and lots
2. High number of awkward lot shapes
3. Diagonal intersections spatially ill defined

**Diagonal Grid**



MARLBOROUGH

**ADVANTAGES**

1. Street hierarchy with diagonals for through traffic
2. Even dispersal of traffic through the network
3. Diagonals respond to terrain
4. Intrinsically interesting by geometric variety
5. Controllable variety of blocks and lots
6. Efficient double-loading of alleys for utilities
7. Diagonal intersections spatially well defined

**DISADVANTAGES**

1. Tends to be disorienting

**Organic**



NANTUCKET

**ADVANTAGES**

1. Street hierarchy with long routes for through traffic
2. Even dispersal of traffic through network
3. Intrinsically interesting by geometric variety
4. Responsive to terrain
5. Easily accommodates environmental interruptions
6. Short streets, terminated vistas

**DISADVANTAGES**

1. Uncontrollable variety of blocks and lots

**Curvilinear**



RIVERSIDE

**ADVANTAGES**

1. Intrinsically interesting by deflecting vistas
2. Easily accommodates environmental interruptions
3. Highly responsive to terrain
4. Even dispersal of traffic through the network

**DISADVANTAGES**

1. Little directional orientation
2. Uncontrollable variety of lots
3. No natural hierarchy of streets

**Discontinuous**



RAEBURN

**ADVANTAGES**

1. Street hierarchy with collectors for through traffic
2. Controllable variety of blocks and lots
3. Easily accommodates environmental interruptions
4. Highly responsive to terrain

**DISADVANTAGES**

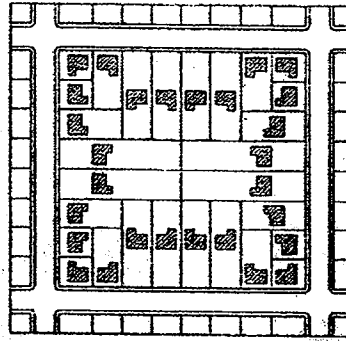
1. Concentration of traffic by absence of network
2. Tends to be disorienting

<sup>1</sup> All diagrams and text information excerpted from "Site, Community, and Urban Planning" by G. Greenan, A. Duany, E. Plater-Zyberk, K. Zaharin, I. Shafie; The Cintas Foundation.

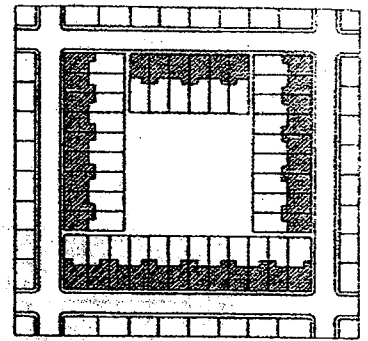
## Block Types: The disposition of blocks has distinct socioeconomic implications.

### **The Square Block**

This type was an early model for planned settlements in America, particularly Spanish colonies. It was sometimes associated with agricultural communities, providing four large lots per block, each lot with a house at its center. When the growth of the community produced additional subdivision, replatting created irregular lots (Fig. 1). While this may provide a useful variety, it is more often regarded as a nuisance by a society accustomed to standardized products. A further disadvantage is that discontinuous rear lot lines make alleys and rear access utilities impractical. Despite these shortcomings, the square block is useful as a specialized type. When platted only at its perimeter, it can accommodate the high parking requirement of certain buildings. The open center, well insulated from traffic may also be used as a common garden or playground (Fig. 2)



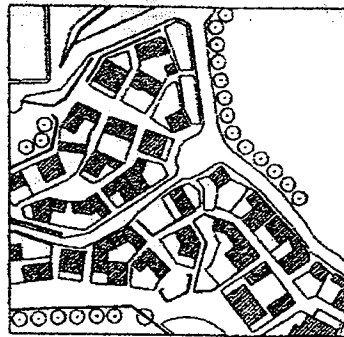
1. SQUARE BLOCK



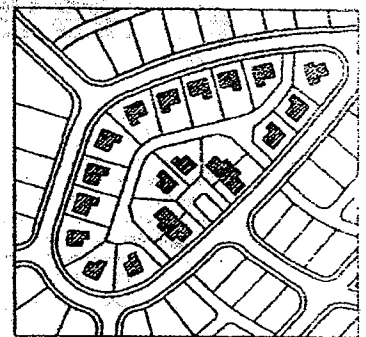
2. SQUARE BLOCK

### **The Organic Block**

This type is characterized by its irregularity, its variations are unlimited. The original organic block was the subdivision of residual land between well worn paths (Fig. 3). It was later rationalized by Frederick Law Olmstead to achieve a controllable, picturesque effect and to negotiate sloping terrain gracefully. The naturalistic block, despite its variety, generates certain recurring conditions that must be resolved by sophisticated platting. At shallow curves it is desirable to have the facades follow the frontage smoothly. This is achieved by keeping the side lot lines perpendicular to the frontage line (Fig. 4). At the same time it is important for the rear lot line to be wide enough to permit vehicular access. At sharper curves, it is desirable to have the axis of a single lot bisect the acute angle. In the event of excessive block depth, it is possible to colonize the interior of the block by means of a close.



3. ORGANIC BLOCK

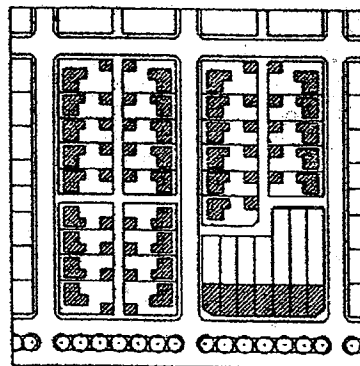


4. ORGANIC BLOCK

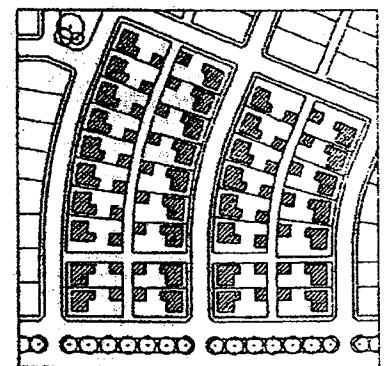
### **The Elongated Block**

The elongated block overcomes some of the drawbacks of the square block. More efficient and more standardized, elongated blocks provide economical double loaded alleys, with short utility runs, to eliminate the uncontrollable variable of lot depth and maintain the option of altering lot width. By adjusting the block length, it is possible to reduce cross streets toward rural edges or to add them at urban centers. This adjustment alters the pedestrian permeability of the grid and controls the ration of street parking to building capacity. The elongated block can "bend" somewhat along its length, giving it a limited ability to shape space and negotiate slopes (Fig. 6)

Unlike the square block, the elongated block provides two distinct types of frontage (Fig. 5). Residential Buildings are placed on wider lots on the quieter side of the block. Commercial buildings can be set on the short end of the block, platted to face the busy street; the amount of parking behind these properties is controlled by the variable depth.



5. ELONGATED BLOCK



6. ELONGATED BLOCK

## Open Space Types.

### GENERAL

Public open space provides orientation hierarchy and communal structure to a neighborhood. The specialized open spaces shown here consist of elongated block types. They can also be adjusted to fit both square and organic block types.

### LANE

Children often make lanes behind houses into informal playgrounds. The paved surface in front of garages is convenient for ball games. Lanes are particularly successful when they are designed to eliminate through traffic (right). Garage apartments provide supervision.

### PLAYGROUND

Playgrounds can be easily extracted from any block by assigning one or several lots to this use. There should be a playground within 500 ft of every residence. The playground should provide both sunny and shaded play areas, as well as an open shelter with benches for parents. Playgrounds must be fenced, lockable, and lit, if they are not to become a nuisance at night.

### NURSERY

A nursery can be inserted in the middle of a block, away from major thoroughfares. It requires a limited amount of parking but substantial vehicular drop-off space. The attached playground should be securely fenced and have both sunny and shaded areas. Children's games may be noisy, so it is advisable to locate nurseries where adjacent houses are buffered by outbuildings.

### CLOSE

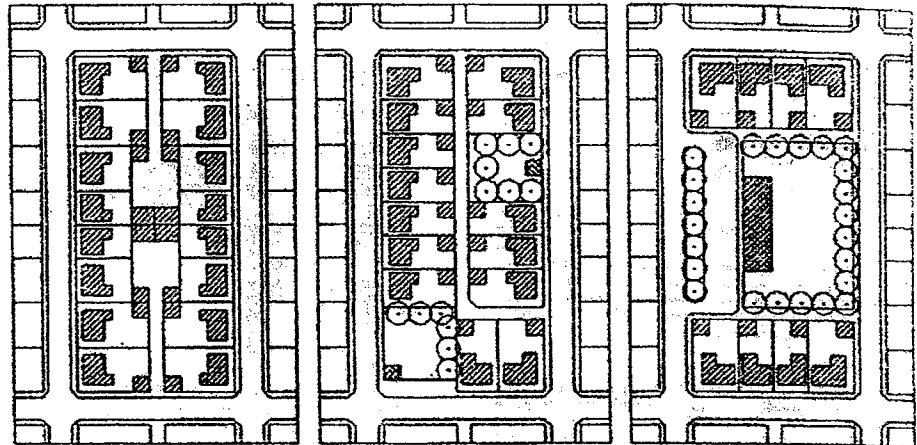
A close is a front space for buildings inside the block. It may be pedestrian, or it may have a roadway loop around a green area. Its minimum width must coincide with emergency vehicle turning standards. The close is a superior alternative to the out-de-sac, as the focus is a green rather than pavement. It is especially recommended for communal subgroups such as cohousing or assisted-living cottages. The close provides additional frontage for deep square and organic blocks.

### ATTACHED SQUARES

Squares are green spaces that provide settings for civic buildings and monuments, which are located at the center or edge of the square. Although buildings may play a part, the space is largely defined by formal tree planting. Squares should be maintained to a higher standard than playgrounds and parks.

### DETACHED SQUARES

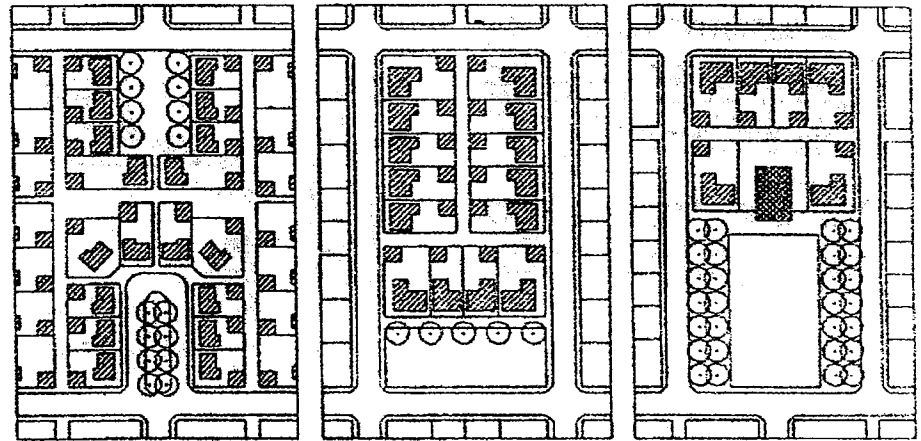
Squares detached on all sides by roads are particularly formal. Since adjacent buildings provide much of the population that uses a public space, detached squares are less likely to be used than other types. This separation also limits the amount of natural security provided by adjacent windows. The detached square remains appropriate as a means to symbolically enhance important places or institutions.



LANE

PLAYGROUND

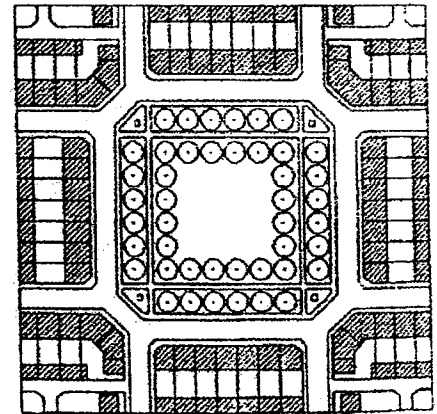
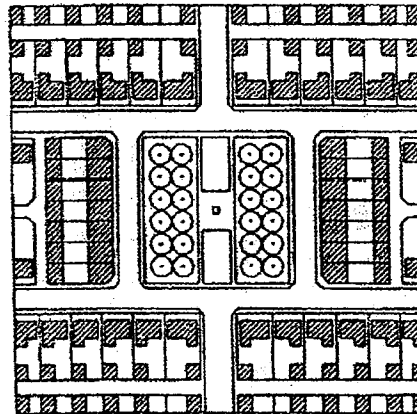
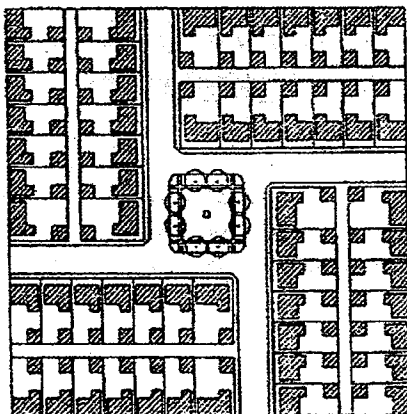
NURSERY



CLOSE

ATTACHED SQUARES

### OPEN SPACE TYPES



### OPEN SPACE TYPES-DETACHED SQUARES

## Open Space Types (continued).

### MARKET PLAZA

Plazas are public spaces that are primarily paved rather than green. They can sustain very intense use by crowds and even by vehicles. Parking lots should be designed as plazas that happen to have cars on them, rather than as single-purpose areas. A smaller shopping center can be transformed into a town center if it has been designed so it can be seamlessly attached to the block system and detailed as a plaza.

### CIVIC PLAZA

Civic buildings are often no larger than the private ones that surround them, and their legitimacy as more important buildings cannot depend solely on architectural expression. Their setting within the block system must communicate their elevated status. Sites on squares or at the terminations of avenues are ideal but not always available. Thus the most dependable technique is to organize and detail the parking areas of civic buildings as plazas.

### GREEN

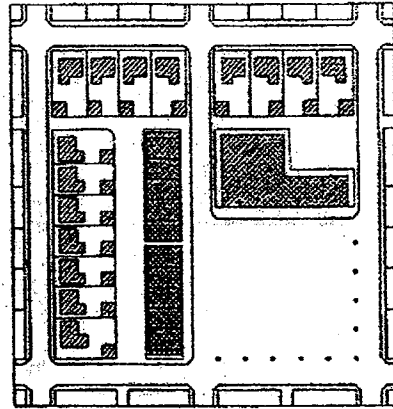
The green is an urban, naturalistic open space. Like the square, it is small, civic, and surrounded by buildings. Unlike the square, it is informally planted and may have an irregular topography. Greens are usually landscaped with trees at the edges and sunny lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; paths are optional.

### PARK

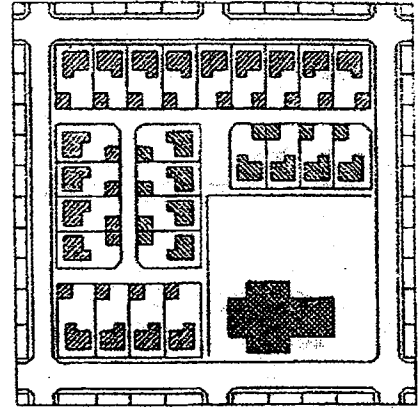
Parks are naturalistic open spaces, like greens, but larger and less tended. They are most successful when created from virgin woodland. Parks have grassy areas only periodically. A knoll or a pond can be used as an important organizing feature. Parks exist within the urban fabric of large cities, but their inherent size usually puts them at the edges of towns and villages. Parks may be edged by public drives or by houses on very large lots, as long as connections to public paths occur at every block.

### BUFFER

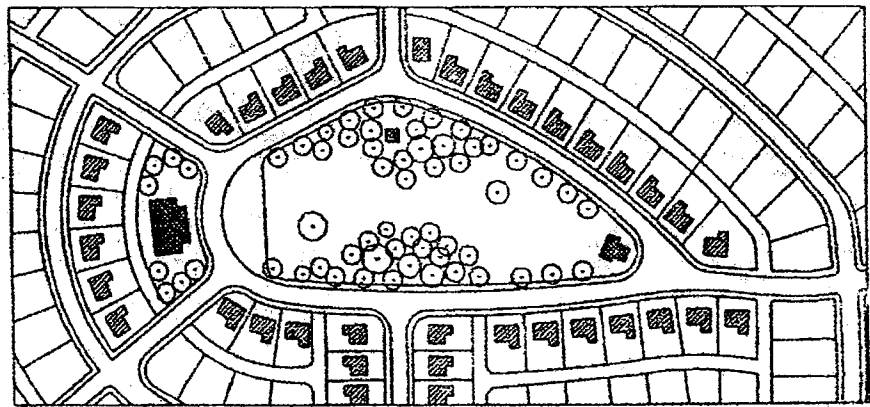
The buffer has the basic elements of a green, with the added purpose of buffering the impact of traffic from a highway or boulevard. Shown is a small lot development fronting a green. On the opposite side are larger lots on which houses are placed further back from the roadway edge as another buffer technique.



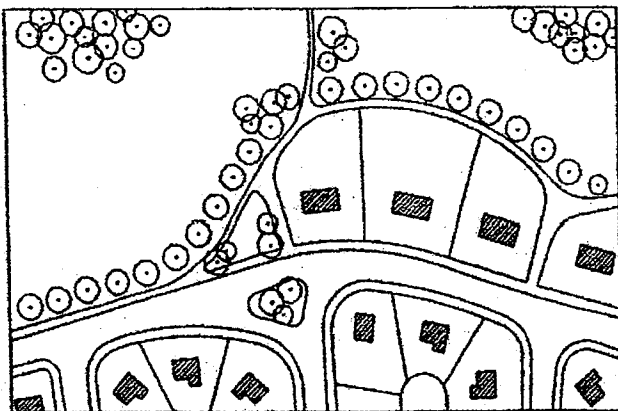
MARKET PLAZA



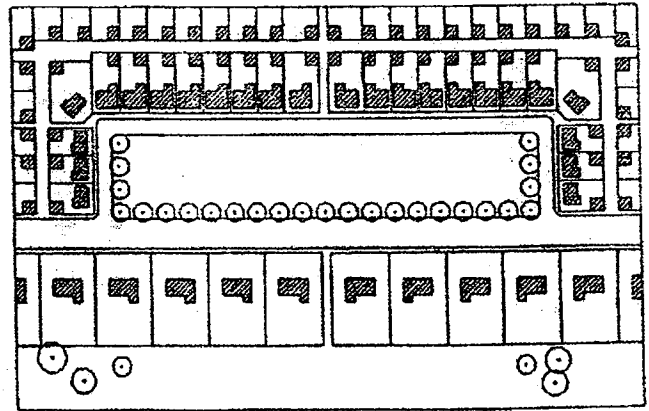
CIVIC PLAZA



GREEN



PARK



BUFFER

# Building Types

## GENERAL

The traditional increment for placing lots in North America has been the 50-ft width. This subdivision dimension was efficient for many years, creating 25-ft rowhouse and shopfront lots, as well as 50-, 75-, and 100-ft lots suitable for houses. However, the advent of the automobile added a set of dimensional constraints that required new platting standards. The 50-ft width is wasteful, since the basic increment of efficient parking is the double row at 64 ft.

The 64-ft increment, when divided by four, provides the absolute minimum rowhouse lot of 16 ft, which allows one car to be parked with additional room for pedestrian passage. The minimum side yard lot is 32 ft. The minimum perimeter yard lot is 48 ft. The 64-ft lot efficiently provides for the high parking requirement of shopfronts, apartments, and office buildings.

The platting module of 16 ft corresponds to the traditional measure of the rod. Platting in rods, without knowing what building types will occupy the lots, maintains flexibility and ensures maximum density through parking efficiency.

Four building types accommodate the common residential, retail, and workplace uses of urban life. Some buildings, however, cannot be categorized typologically. Buildings dedicated to manufacturing and transportation may be distorted by large-scale mechanical trajectories. Civic buildings, which must express the aspirations of the institutions they embody, should also be exempt from the discipline of type.

## COURTYARD BUILDING

This type of building occupies all or most of the edges of its lot and defines one or more private spaces internally. This is the most urban of types as it is able to completely shield the private realm from the public realm. It is common in hot climates, but its attributes are useful everywhere. Because of its ability to accommodate incompatible activities in close proximity, it is recommended for workshops, hotels, and schools. The high security the boundary provides is useful for recolonizing crime-prone urban cores.

## SIDE YARD BUILDING

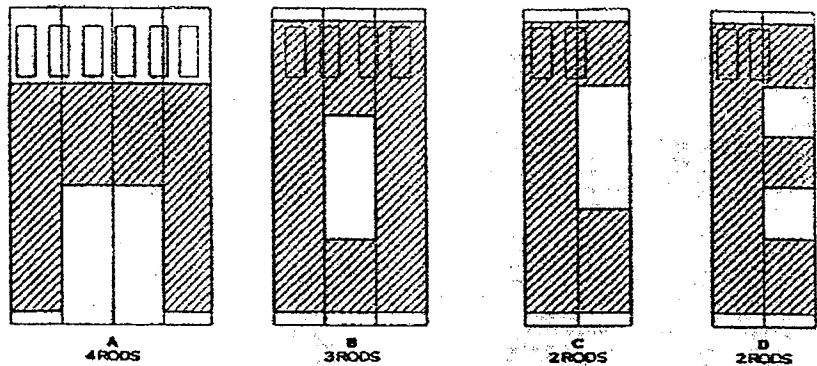
This type of building occupies one side of the lot, with the primary open space on the other side. The view of the side yard on the street front makes this building type appear freestanding, so it may be interspersed with perimeter and buildings in less urban locations. If the adjacent building is also a side yard type with a blank party wall, the open space can be quite private. This type permits systematic climatic orientation, with the long side yard elevation facing the sun or the breeze.

## REAR YARD BUILDING

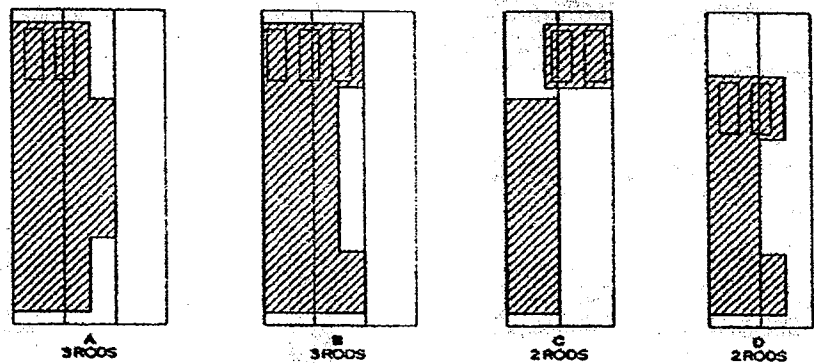
This type of building occupies the front of its lot, full width, leaving the rear portion as a private space. This is a relatively urban type appropriate for neighborhood and town centers. The building facade defines the edge of the public space, while the rear elevation may reflect different functional purposes. In its residential form, this type is represented by the rowhouse with a rear garden and outbuilding. In its commercial form, the depth of the rear yard can contain substantial parking for retail and office uses.

## PERIMETER YARD BUILDING

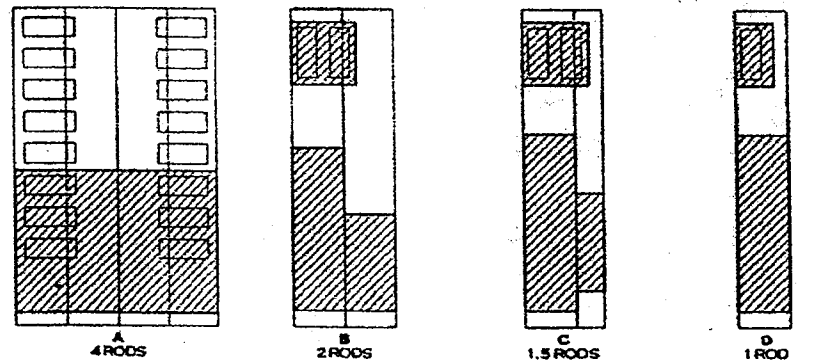
This building stands free on its lot, with substantial front and rear yards and smaller side yards. It is the least urban of the types, so it is usually assigned to areas away from neighborhood and town centers. This building type is usually residential, but when parking is contained within the rear yard it lends itself to limited office and boarding uses. The rear yard can be secured for privacy by fences and a well-placed outbuilding. The front yard is intended to be semipublic and visually continuous with the yards of neighbors. The illusion of continuity is usually degraded when garage fronts are aligned with the facades, as cars seldom pull in beyond the driveway. To avoid a landscape of parked cars, garages should be set back a minimum of one car's length from the facade or entered sideways through a walled forecourt.



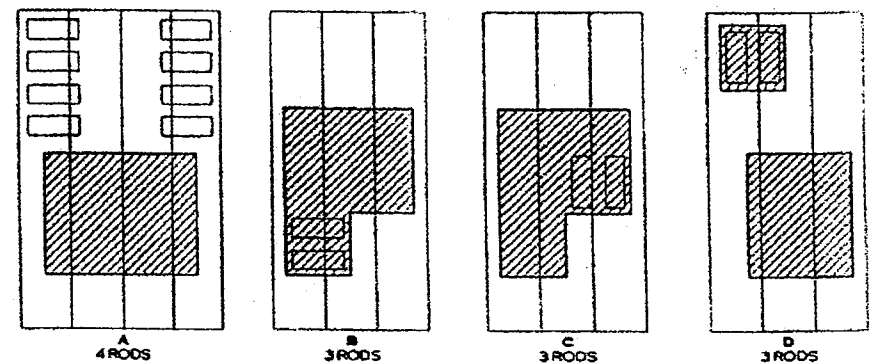
COURTYARD BUILDING



SIDE YARD BUILDING



REAR YARD BUILDING



PERIMETER YARD BUILDING

# Spatial Definition

## GENERAL

Building delineates public space in an urban setting. Successful spatial definition is achieved when bounding buildings are aligned in a disciplined manner and the defined space does not exceed a certain height-to-width ratio.

Alignment occurs when building facades cooperate to delineate the public space, as walls form a room. Urban building articulation takes place primarily in the vertical plane or facade. If appendages such as porches, balconies, bay windows, and loggias do not obliterate the primary surface of the facade, they do not destroy alignment.

The height-to-width ratio of the space generates spatial enclosure, which is related to the physiology of the human eye. If the width of a public space is such that the cone of vision encompasses less street wall than sky opening, the degree of spatial enclosure is slight. The ratio of 1 increment of height to 6 of width is the absolute minimum, with 1 to 3 being an effective minimum. If a sense of spatial enclosure is to result. As a general rule, the tighter the ratio, the stronger the sense of place and, often, the higher the real estate value. Spatial enclosure is particularly important for shopping streets that must compete with shopping malls, which provide very effective spatial definition. In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary on thoroughfares that have substantial front yards.

## NOMENCLATURE

### THE FRONTAGE LINE

The lot boundary that coincides with a public thoroughfare or public space. The frontage line may be designed independently of the thoroughfare, to create a specific sense of place.

### FACADE

The vertical surface of a building set along a frontage line. The elevation is the vertical surface set along any other boundary line. Facades are subject to control by building height, setback lines, recess lines, and transition lines. Elevations are only subject to building height and setback lines.

### SETBACK

The mandatory distance between a frontage line and a facade or a lot line and an elevation.

### BUILDING HEIGHT

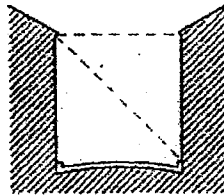
The defined limit to the vertical extent of a building. The building height should be stated as a number of stories, rather than a prescribed dimension. This prevents the compression of internal ceiling heights. In tall buildings, the height may be determined by density and view and not by the requirements of spatial definition, which are addressed by the recess line.

### RECESS LINE

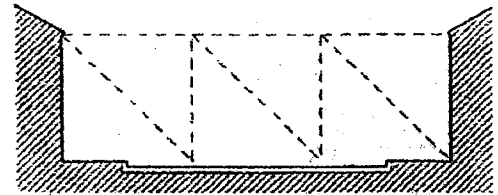
A line prescribed for the full width of the facade, above which the facade is set back. The recess line effectively defines the enclosure of public space. Its location is determined by the desired height-to-width ratio of that space, compatibility with the average height of existing buildings, or provision for daylighting at the street level.

### TRANSITION LINE

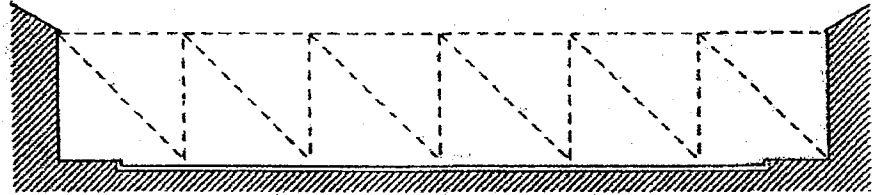
A line prescribed for the full width of the facade, expressed by a variation of material or by a limited projection such as a cornice or a balcony. The transition line divides the facade, permitting shopfronts and signage to vary over time without destroying the overall composition.



RATIO 1:1

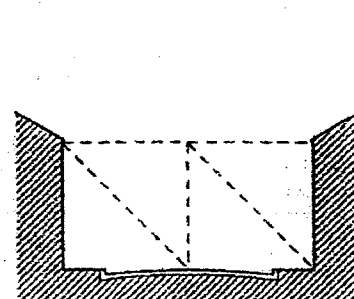


RATIO 1:3

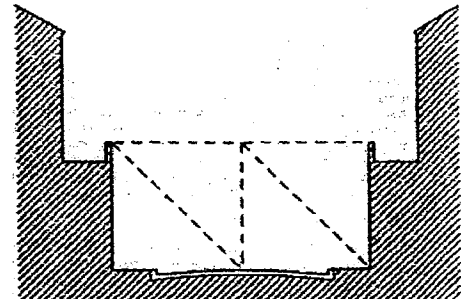


RATIO 1:6

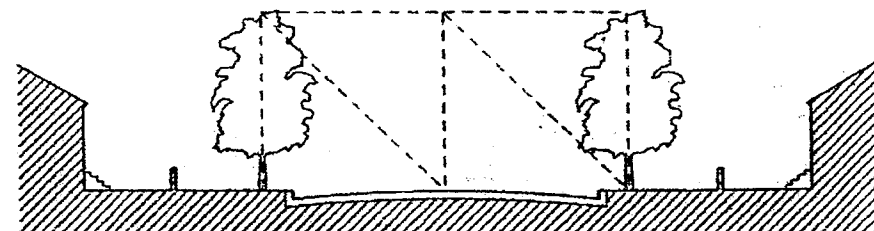
## PROPORTIONS OF BUILDING HEIGHT TO PUBLIC SPACE



BY FACADE

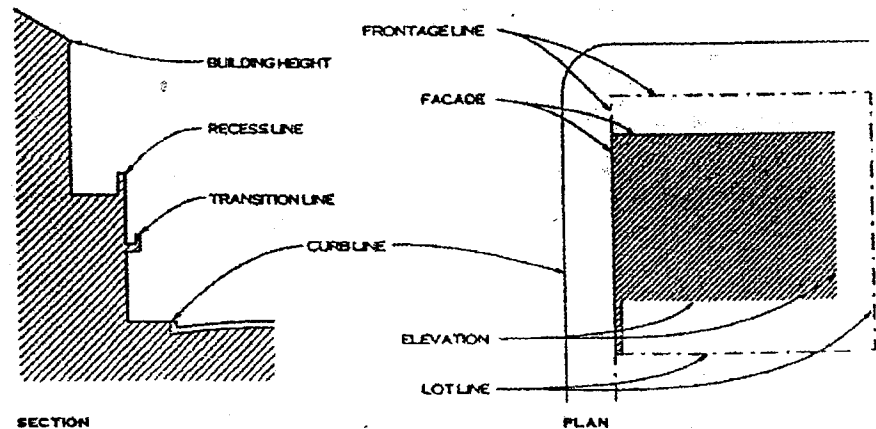


BY RECESS LINE



BY LANDSCAPING

## TECHNIQUES OF DELINEATING PUBLIC SPACE



SECTION

DEFINITIONS

PLAN

## Frontage Types

### GENERAL

Building type is independent of frontage type. For example, a courtyard building may have an arcade, a shopfront, a stoop, or a porch as its frontage type. Frontages can be ranked from most urban to most rural.

### ARCADE

The facade overlaps the sidewalk, while the storefront remains set back. This type is excellent for retail use, but only when the sidewalk is fully absorbed so the pedestrian cannot bypass the colonnade. An easement for public use of private property is required.

### SHOPFRONT

The facade is aligned directly on the frontage line, with the entrance at grade. This type is conventional for sidewalk retail. It is often equipped with an awning or a colonnade. A transition line should separate the signage from the facade above. The absence of a setback mitigates against residential use on the ground floor, although it is appropriate above.

### STOOP

The facade is aligned directly on the frontage line, with the first floor elevated to achieve some privacy for the windows. This type is suitable for residential uses such as row-houses and apartment buildings. An easement may be necessary to accommodate the encroaching stoop. This type may be interspersed with the shopfront.

### FORECOURT

The facade is set back and replaced by a low wall at the frontage line. The forecourt thus created is suitable for gardens, vehicular drop-offs, and workshop loading and storage. It should be used sparingly and in conjunction with the shopfront and stoop types, as a continuous blind wall is boring and unsafe for pedestrians. Tree canopies within the forecourt should overhang the sidewalk.

### DOORYARD

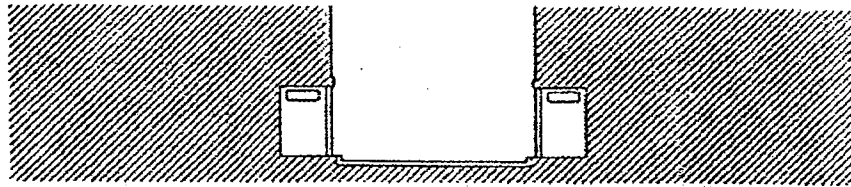
The facade is set back from the frontage line, with an elevated garden or terrace between. This type can effectively buffer residential quarters from the sidewalk, while removing the yard from public use. The terrace, when roofed, is suitable for restaurants and cafes, as the eye level of the sitter is level with that of passersby.

### PORCH AND FENCE

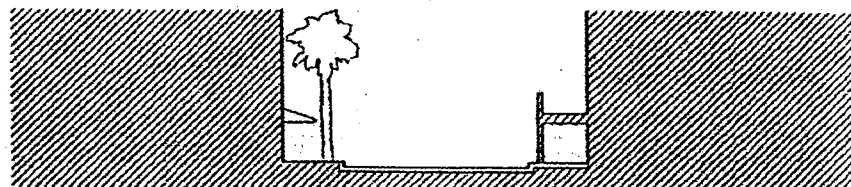
With an encroaching habitable porch, the facade is set back substantially from the frontage line. The porch should be within a conversational distance of the sidewalk. A fence at the frontage line marks the boundary of the yard.

### FRONT LAWN

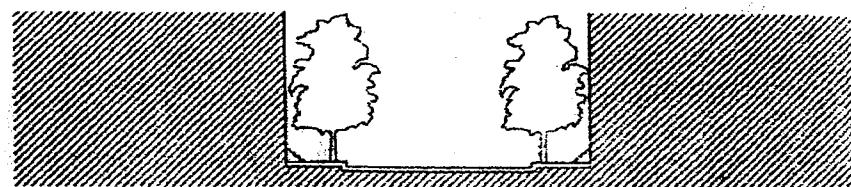
The facade is set back substantially from the frontage line. The front lawn this creates should be unfenced and visually continuous with adjacent yards. The ideal is to simulate buildings sitting in a rural landscape. A front porch is usually not appropriate, since no social interaction with the street is possible at such a distance. The large setback can provide a buffer from heavy traffic, so this type is sometimes found on boulevards.



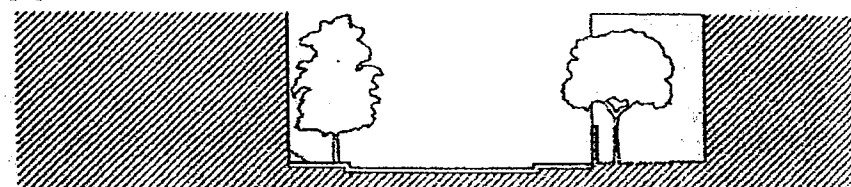
ARCADE



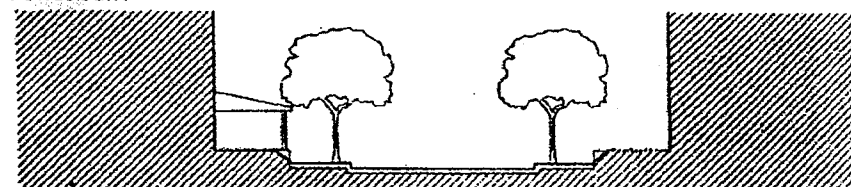
SHOPFRONT



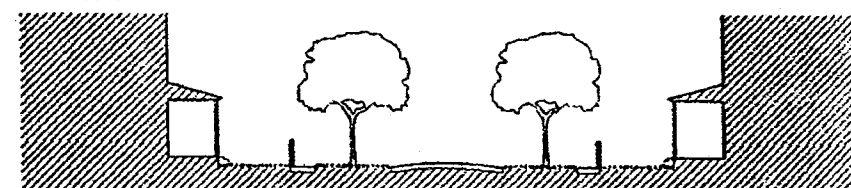
STOOP



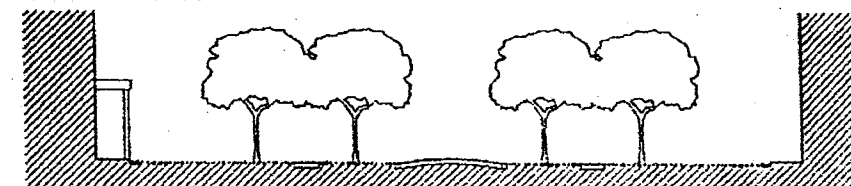
FORECOURT



DOORYARD



PORCH AND FENCE



FRONT LAWN



# Landscape Types

## GENERAL

The urban landscape is a set of interdependent elements that creates a controlled sense of place. It includes thoroughfare type, building type, frontage type, and the form and disposition of landscape.

Public landscaping plays many roles above and beyond that of ornamentation:

1. To correct inadequacies of spatial definition caused by building frontages. Planting steady rows of trees at the edges usually reduces the height-to-width ratio of the street space. Grids of trees are used to fill gaps left by un-built lots and surface parking.
2. To adjust the microclimate by providing the appropriate level of shade or sun for buildings and sidewalks. For thoroughfares running east-west, this may involve the use of asymmetrical planting.
3. To support the intended urban or rural character of the public space. Selecting appropriate species and varying the species planted, as well as the regularity of their disposition, can alter the landscape significantly.
4. To create a pleasing visual composition, being careful to mask the aesthetic failure of certain buildings as well as to reveal the successes. Consider seasonal changes of each species.

5. To create a harmonious whole of specific character by coordinating public and private plantings. Selection should vary, to ensure resistance to pests, but not result in an incoherent collection of specimens. Native species should predominate to reduce maintenance, with an emphasis on species that support wildlife compatible with human settlement.

## RURAL ROAD

This type is appropriate for buildings at the edges of the neighborhood and along parks and greenbelts. There is no public planting line. The tree species should be episodic, but in coherent clusters. There are no curbs; the drainage is by open swales. Bicycle paths may be paved in asphalt.

## RESIDENTIAL ROAD

This type is appropriate for houses outside of neighborhood centers. Since the frontage usually includes a substantial setback, the tree canopy may be quite wide. The rural aspect may be supported by planting several species in imperfect alignment. Sidewalks may meander and be on one side of the road only. Roads are detailed with open swales, and, where possible, drainage is through permeation.

## RESIDENTIAL STREET

This type is appropriate for residential buildings at neighborhood and town centers. Trees are in continuous planting strips, since the sidewalk does not require unusual width. Plant a single species of tree in steady alignment. A thin, vertical canopy is necessary to avoid nearby building facades. This type is dimensionally interchangeable with the commercial street type and may alternate in correspondence to the building facade. Streets are detailed with raised curbs and closed storm drainage.

## COMMERCIAL STREET

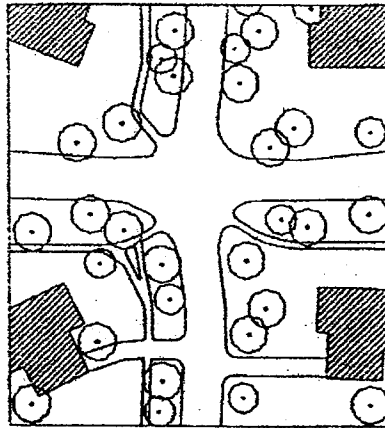
This type is appropriate for commercial buildings at neighborhood and town centers. Trees are confined by individual planting areas, creating a sidewalk of maximum width with areas accommodating street furniture. Plant a single species of tree in steady alignment. Clear trunks and high canopies are necessary to avoid interference with shop-front signage and awnings. Streets are detailed with raised curbs and closed storm drainage.

## AVENUE

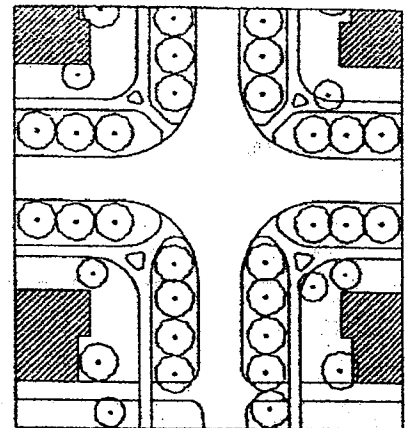
This type is appropriate for approaches to civic buildings. The general principle is a thoroughfare of limited length, with a substantial planted median. At town centers, the median may be wide enough to hold monuments and even buildings. In residential areas, the median may be planted naturally to become a parkway or green.

## BOULEVARD

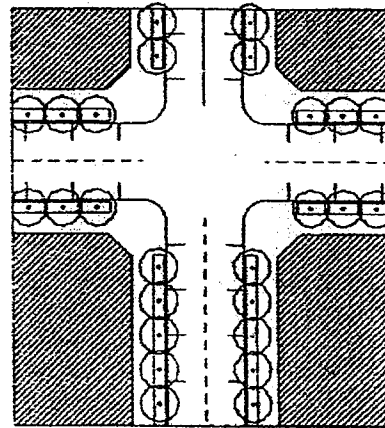
This type is appropriate for high-capacity thoroughfares at neighborhood edges. The detailing is similar to that of a commercial street. The effect of the medians is to segregate the slower traffic and parking activity, at the edges, from through traffic, at the center.



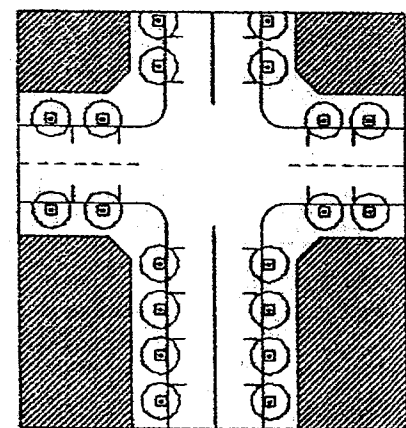
RURAL ROAD



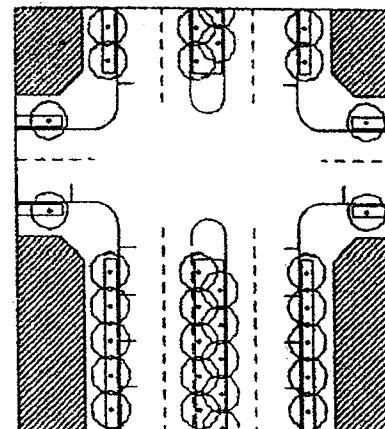
RESIDENTIAL ROAD



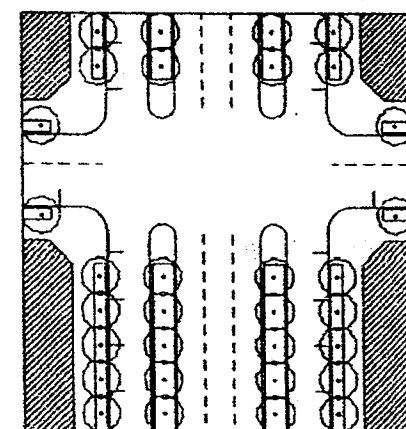
RESIDENTIAL STREET



COMMERCIAL STREET



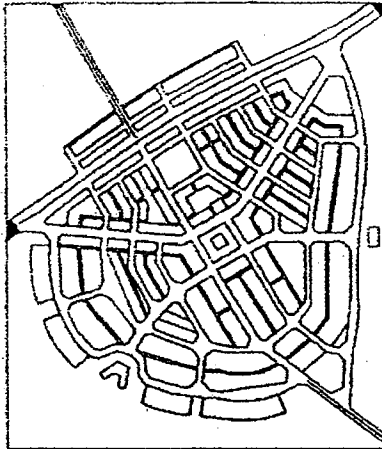
AVENUE



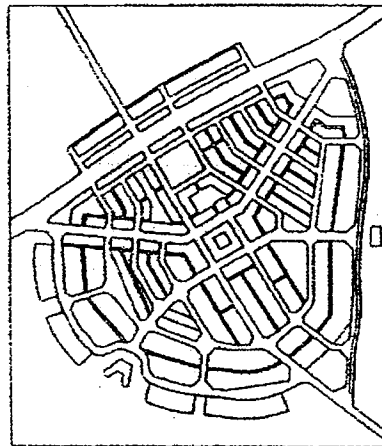
BOULEVARD



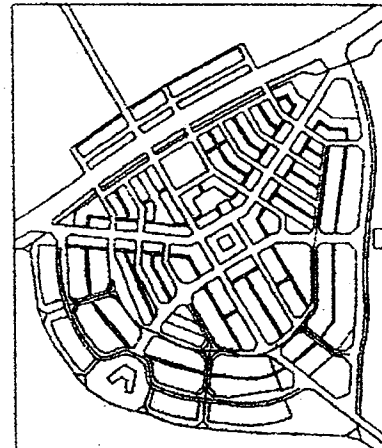
# Thoroughfare Nomenclature



HIGHWAYS



DRIVES



ROADS, LANES, PATHS

MORE RURAL

## GENERAL

Thoroughfares are endowed with two attributes: capacity and character. Capacity refers to the number of vehicles that can move safely through a segment within a given time. It is physically manifested by the number of lanes and their width and by the centerline radius, the curb radius, and the super elevation of the pavement. Character refers to a thoroughfare's suitability for pedestrian activities and a variety of building types. Character is physically manifested by the thoroughfare's associated building, frontage, and landscape types and sidewalk width.

Conventional traffic engineering practice uses terms such as "collector" and "arterial," which denote only capacity. This is too simplistic and tends to create an environment inhospitable for pedestrians. The following nomenclature more adequately describes the combination of capacity and character necessary to create true urbanism.

## NOMENCLATURE

**HIGHWAY:** A long-distance, medium speed vehicular corridor that traverses open country. A highway should be relatively free of intersections, driveways, and adjacent buildings; otherwise it becomes a strip, which interferes with traffic flow.

**EXPRESSWAY:** A high speed highway with intersections replaced by grade separation.

**PARKWAY:** A highway designed with naturalistic landscaping, partially accommodated within a wide and varying median.

**BOULEVARD:** A long-distance, medium speed vehicular corridor that traverses an urbanized area. It is usually lined by parallel parking, wide sidewalks, or side medians planted with trees. Buildings uniformly line the edges.

**AVENUE:** A short-distance, medium speed connector that traverses an urban area. Unlike a boulevard, its axis is terminated by a civic building or monument. An avenue may be conceived as an extremely elongated square. (A related term is *allée*, a rural avenue spatially defined by trees aligned on either side but devoid of buildings except at the terminus.)

**DRIVE:** A drive defines the edge between an urban and a natural condition, usually along a waterfront, park, or promontory. One side of the drive has the urban character of a boulevard, with sidewalk and buildings, while the other has the qualities of a parkway, with naturalistic planting and rural detailing.

**STREET:** A small-scale, low speed local connector. Streets provide frontage for high-density buildings such as offices, shops, apartment buildings, and rowhouses. A street is urban in character, with raised curbs, closed drainage, wide sidewalks, parallel parking, trees in individual planting areas, and buildings signed on short setbacks.

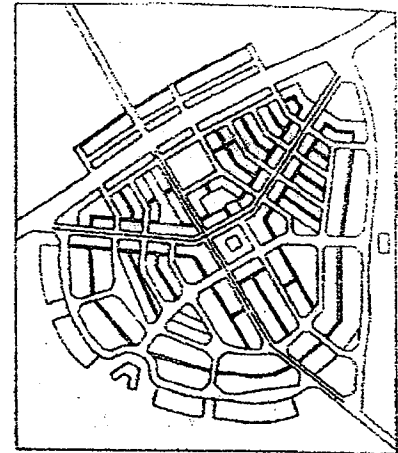
**ROAD:** A small-scale, low speed connector. Roads provide frontage for low-density buildings such as houses. A road tends to be rural in character with open curbs, optional parking, continuous planting, narrow sidewalks, and buildings set well back. The rural road has no curbs and is lined by pathways, irregular tree planting, and uncoordinated building setbacks.

**ALLEY:** A narrow access route servicing the rear of buildings on a street. Alleys have no sidewalks, landscaping, or building setbacks. Alleys are used by trucks and must accommodate dumpsters. They are usually paved to their edges, with center drainage via an inverted crown.

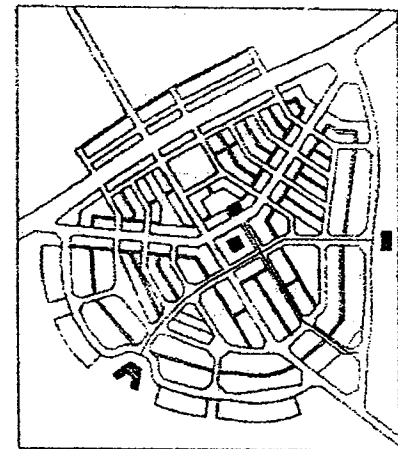
**LANE:** A narrow access route behind houses on a road. Lanes are rural in character, with a narrow strip of paving at the center or no paving. While lanes may not be necessary with front-loaded garages, they are still useful for accommodating utility runs, enhancing the privacy of rear yards, and providing play areas for children.

**PASSAGE:** A very narrow, pedestrian-only connector cutting between buildings. Passages provide shortcuts through long blocks or connect rear parking areas with street frontages. Passages may be roofed over and lined by shopfronts.

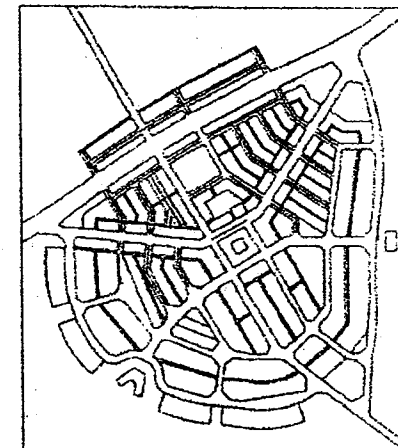
**PATH:** A very narrow pedestrian and bicycle connector traversing a park or the open country. Paths should emerge from the sidewalk network. Bicycle paths are necessary along highways but are not required to supplement boulevards, streets, and roads, where slower traffic allows sharing of the vehicular lanes.



BOULEVARDS



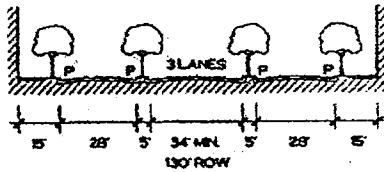
AVENUES



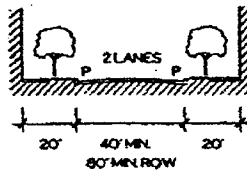
STREETS, ALLEYS, PASSAGES

MORE URBAN

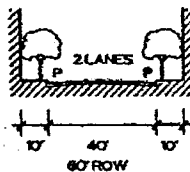
# Thoroughfare Types



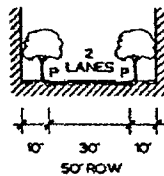
BOULEVARD



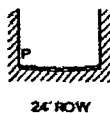
MAIN STREET



STREET



MINOR STREET



ALLEY



PASSAGE

MORE URBAN

## GENERAL

Capacity and character are combined and adjusted to achieve a complete series of useful thoroughfare types. The series is best regarded in pairs: keeping the right-of-way width constant, each pair illustrates one type suitable in two ways, one for a relatively rural condition and another suitable for a more urban condition.

BOULEVARD		HIGHWAY
25-50 MPH	DESIGN SPEED	35-55 MPH
90 FT	MIN. CENTERLINE RADIUS	165-800 FT
15 FT	CURB RETURN RADIUS	35 FT
30 SEC	PEDESTRIAN CROSS TIME	N/A
ALWAYS	ON-STREET PARKING	NEVER
CLOSED	DRAINAGE	OPEN

MAIN STREET		AVENUE
20-25 MPH	DESIGN SPEED	25-35 MPH
90 FT	MIN. CENTERLINE RADIUS	165 FT
15 FT	CURB RETURN RADIUS	25 FT
12 SEC	PEDESTRIAN CROSS TIME	15 SEC
ALWAYS	ON-STREET PARKING	ALWAYS*
CLOSED	DRAINAGE	OPEN/CLOSED

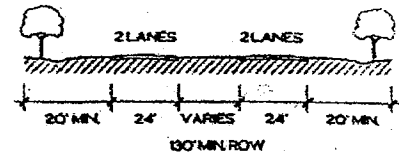
STREET		ROAD
20-25 MPH	DESIGN SPEED	25-35 MPH
90 FT	MIN. CENTERLINE RADIUS	165 FT
15 FT	CURB RETURN RADIUS	25 FT
12 SEC	PEDESTRIAN CROSS TIME	8.5 SEC
ALWAYS	ON-STREET PARKING	USUALLY*
CLOSED	DRAINAGE	OPEN/CLOSED

MINOR STREET		RURAL ROAD
20-25 MPH	DESIGN SPEED	25-35 MPH
90 FT	MIN. CENTERLINE RADIUS	165 FT
15 FT	CURB RETURN RADIUS	20 FT
8.5 SEC	PEDESTRIAN CROSS TIME	13 SEC
ALWAYS*	ON-STREET PARKING	NEVER
CLOSED	DRAINAGE	OPEN

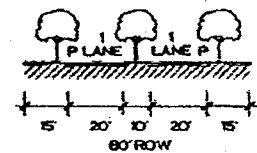
ALLEY		LANE
N/A	DESIGN SPEED	N/A
N/A	MIN. CENTERLINE RADIUS	N/A
5 FT	CURB RETURN RADIUS	20 FT
6.5 SEC	PEDESTRIAN CROSS TIME	3.5 SEC
USUALLY*	ON-STREET PARKING	USUALLY
CLOSED	DRAINAGE	OPEN

PASSAGE		PATH
N/A	DESIGN SPEED	N/A
N/A	MIN. CENTERLINE RADIUS	40 FT
N/A	CURB RETURN RADIUS	6 FT
4.5 SEC	PEDESTRIAN CROSS TIME	4.5 SEC
NEVER	ON-STREET PARKING	NEVER
CLOSED	DRAINAGE	OPEN

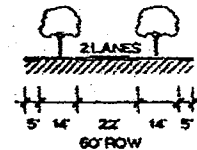
\* Not striped



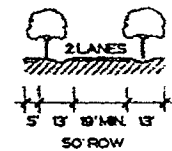
HIGHWAY



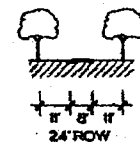
AVENUE



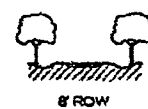
ROAD



RURAL ROAD



LANE



PATH

MORE RURAL

# Transit Oriented Development Concepts

## INTRODUCTION

The traditional neighborhood development (TND) ordinance produces compact, mixed-use, pedestrian friendly communities. It can be incorporated in municipal zoning ordinances as an overlay or as a separate district. It is intended to ensure the following conventions:

Traditional neighborhoods share the following characteristics:

1. The neighborhood's area is limited to what can be traversed in a 10-minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A hierarchy of streets serves the pedestrian and the automobile equitably.
4. Physically defined squares and parks provide places for formal social activity and recreation.
5. Private buildings form a clear edge, delineating the street space.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain social objectives:

1. To provide the elderly and the young with independence of movement by locating most daily activities within walking distance.
2. To minimize traffic congestion and limit road construction by reducing the number and length of automobile trips.
3. To make public transit a viable alternative to the automobile by organizing appropriate building densities.
4. To help citizens come to know each other and to watch over their collective security by providing public spaces such as streets and squares.
5. To integrate age and economic classes and form the bonds of an authentic community by providing a full range of housing types and workplaces.
6. To encourage communal initiatives and support the balanced evolution of society by providing suitable civic buildings.

## SPECIAL DEFINITIONS

Terms used in a TND ordinance may differ in meaning from their use in conventional zoning ordinances:

**ARTISANAL USE:** Premises used for the manufacture and sale of items that are made employing only handwork and/or table-mounted electrical tools and creating no adverse impact beyond its lot.

**BLOCK:** The aggregate of lots and alleys circumscribed by public use tracts, generally streets.

**BUILDING HEIGHT:** The height measured in stories. Attics and raised basements do not count against building height limitations.

**CITIZENS' ASSOCIATION:** The organization of owners of lots and buildings associated under articles. The articles shall reference an approved master plan; set standards for building location, construction, and maintenance; provide for maintenance on public tracts; and provide for the construction of new civic buildings by an ongoing special assessment.

**FACADE:** The building wall parallel to a frontage line.

**FRONTAGE LINE:** The lot line that coincides with a street tract.

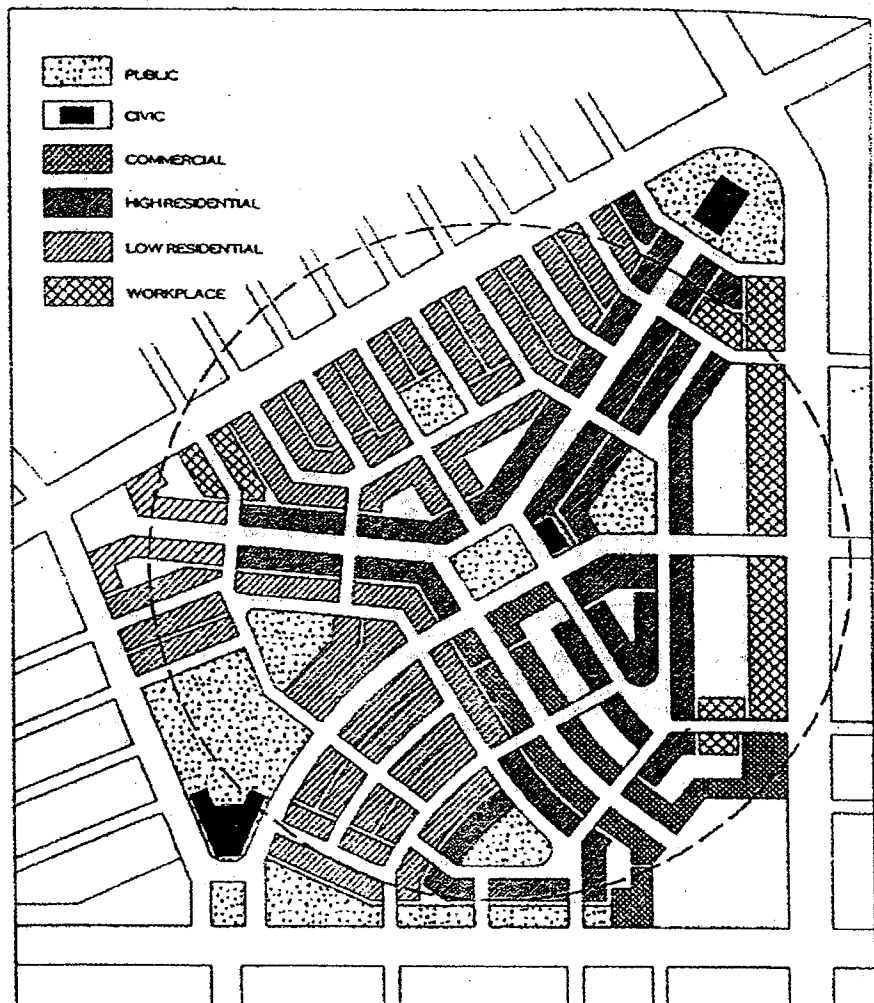
**GREEN EDGE:** A continuous open area surrounding the neighborhood proper. The area shall be preserved in perpetuity as a natural area, golf course, or growing or playing fields, or it shall be subdivided into house lots no smaller than 20 acres each.

**LIMITED LODGING:** Residential premises providing no more than eight rooms for short-term letting and food services before noon only.

**LIMITED OFFICE:** Residential premises used for business or professional services, employing no more than four full-time employees, one of whom must be the owner.

**LOT:** A separately platted portion of land held privately.

**MEETING HALL:** A building designed for public assembly, containing at least one room with an area equivalent to 10



## TND LAND ALLOCATION

sq ft per dwelling, or 1300 sq ft, whichever is greater.

**NEIGHBORHOOD PROPER:** The built-up area of a TND, including blocks, streets, and squares but excluding green edges.

**OUTBUILDING:** A separate building, additional to a principal building, contiguous with the rear lot line, having at most two stories and a maximum habitable area of 450 sq ft. Outbuildings may be residential retail units. Outbuildings are exempt from building cover restrictions or unit counts.

**PARK:** A public tract naturally landscaped, not more than 10% paved, and surrounded by lots on no more than 50% of its perimeter.

**PROHIBITED USES:** Uses not permitted in the standard zoning ordinance, as well as automatic food, drink, and newspaper vending machines and any commercial use that encourages patrons to remain in their automobiles while receiving goods or services (except service stations).

**SHARED PARKING:** A parking place where day/night or weekday/holiday schedules allow the use of parking space

by more than one user, resulting in a 25% reduction of the required spaces.

**SQUARE:** A public tract, spatially defined by surrounding buildings, with frontage on streets on at least two sides. Commercial uses shall be permitted on all surrounding lots.

**STORY:** A habitable level within a building no more than 14 ft in height from floor to ceiling.

**STREET LAMPS:** A light standard between 10 and 18 ft in height equipped with an incandescent or metal halide light source.

**STREET TREE:** A deciduous tree that resists root pressure and is of proven viability, in the region with no less than 4-in. caliper and 8-ft clear trunk at the time of planting.

**STREET VISTA:** The view, framed by buildings, at the termination of the axis of a thoroughfare.

**TRACT:** A separately platted portion of land held in common, such as a thoroughfare, a square, or a park.

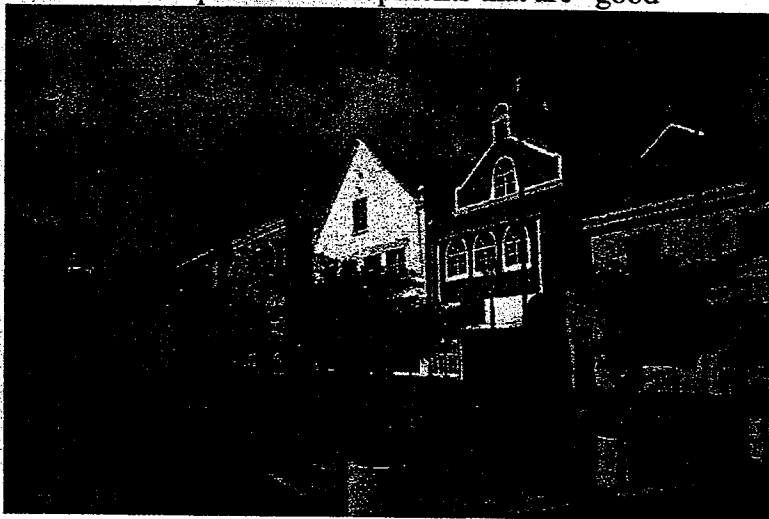
# GUIDELINES FOR TRADITIONAL NEIGHBORHOOD DESIGN

LAND USE	LAND ALLOCATION	LOTS AND BUILDINGS	STREETS AND PARKING
<b>A1.GENERAL:</b> (a) The TND shall be available as an overlay option for land development in all land use and zoning categories except industrial. (b) A TND requires a minimum parcel of 40 contiguous acres and a maximum of 200 acres. Larger parcels shall be developed as multiple neighborhoods with each individually subject to the provisions of the TND.	<b>B1.GENERAL:</b> (a) Similar land use categories face across streets; dissimilar categories abut at rear lot lines. (b) The average perimeter of all blocks within the neighborhood does not exceed 1300 ft. For block faces longer than 500 ft, an alley or pedestrian path provides through access.	<b>C1.GENERAL:</b> (a) All lots share a frontage line with a street or square. (b) The main entrances of all buildings except outbuildings are on a street or square. (c) Stoops, open colonnades, and open porches may encroach into the front setback. (d) The sides of buildings at corner lots are similar to their fronts.	<b>D1.GENERAL:</b> (a) All streets terminate at other streets. (b) Streetlights are provided along all thoroughfares at 35- to 50-ft intervals. (c) On-street parking is allowed on all local streets. (d) Parking lots are located behind or beside building facades. (e) Parking lots and garages are not adjacent to street intersections, civic use lots, or squares and do not occupy lots that terminate a vista. (f) Shared parking reduces local parking requirements.
<b>A2.PUBLIC:</b> (a) Includes streets, squares, parks, playgrounds, and the like. (b) Civic use lots may be placed within tracts designated for public use. (c) Large-scale recreational uses such as golf courses, schoolyards, and multiple game fields are located only at the edge of the neighborhood.	<b>B2.PUBLIC:</b> (a) A minimum of 5% of the neighborhood area or 3 acres (whichever is greater) is permanently allocated to public use. (b) Each neighborhood contains at least one square, not less than one acre in size, close to the center. (c) No portion of the neighborhood is more than 2000 ft from the square. (d) At least half the perimeter of squares, parks, and waterfronts face streets. (e) At least a quarter of the perimeter of waterfronts, golf courses, greenbelts, and other natural amenities face streets.	<b>C2.PUBLIC:</b> (a) Balconies and open colonnades are permitted to encroach up to 5 ft into thoroughfares and other tracts. Such encroachments shall be protected by easements.	<b>D2.PUBLIC:</b> (a) Parking shared between public and private uses is encouraged.
<b>A3.CIVIC:</b> (a) Contains community buildings such as meeting halls, libraries, post offices, schools, child care centers, clubhouses, religious buildings, recreational facilities, museums, cultural societies, visual and performance arts buildings, municipal buildings, and the like.	<b>B3.CIVIC:</b> (a) A minimum of 2% of the neighborhood area is reserved for civic use. (b) Civic lots are within or adjacent to squares and parks or on a lot terminating a street vista. (c) Each neighborhood has a minimum of one meeting hall and one child care facility.	<b>C3.CIVIC:</b> (a) Civic buildings have no height or setback limitations.	<b>D3.CIVIC:</b> (a) The majority (75%) of the off-street parking for civic structures is behind the buildings.
<b>A4.COMMERCIAL:</b> (a) Contains buildings primarily for business uses, such as retail, entertainment, restaurant, club, office, residential, lodging, artisanal, medical, etc. (b) At least 25% of the building area is designated for residential use.	<b>B4.COMMERCIAL:</b> (a) A minimum of 2% and a maximum of 30% of the neighborhood area is designated for commercial use. (b) Commercial lots have a maximum frontage of 32 ft. (c) A maximum of four lots may be consolidated to construct a single building.	<b>C4.COMMERCIAL:</b> (a) Buildings are built out to a minimum of 80% of their frontage at the frontage line. (b) Buildings have no required setback from the side lot lines. (c) Buildings do not exceed four stories in height and are no less than two stories in height. When fronting a square, buildings are no less than three stories in height. (d) Building coverage does not exceed 70% of the lot area.	<b>D4.COMMERCIAL:</b> (a) Lots front streets no more than four lanes wide, parallel parking and sidewalks minimum 15 ft wide. (b) Rear lot lines coincide with an alley. (c) Streets have curves with a radius at intersections of 5 to 15 ft. (d) Street trees are aligned on both sides of the street at 35- to 50-ft intervals; when open colonnades are provided, no street trees are necessary. (e) The majority (75%) of the off-street parking is behind the buildings.
<b>A5.HIGH RESIDENTIAL:</b> (a) Contains buildings for residential use, limited office use, cafes, retail, lodging, and artisanal uses. (b) All of the building area above the ground floor is designated for residential use. (c) Outbuildings are permitted.	<b>B5.HIGH RESIDENTIAL:</b> (a) A minimum of 20% and a maximum of 60% of the neighborhood area is designated for high residential use. (b) High residential lots have a maximum frontage of 16 ft. (c) A maximum of eight lots may be consolidated for the purpose of constructing a single building containing one or more residential units.	<b>C5.HIGH RESIDENTIAL:</b> (a) Buildings are built out to a minimum of 70% of their frontage, at a continuous alignment no further than 10 ft from the frontage line. (b) Buildings have no required setback from side lot lines. (c) Buildings do not exceed four stories in height and, when fronting a square, are no less than three stories in height. (d) Building coverage does not exceed 50% of the lot area.	<b>D5.HIGH RESIDENTIAL:</b> (a) Lots front streets no more than three lanes wide, with parallel parking and sidewalks minimum 15 ft wide. (b) Street trees are aligned both sides of streets at 35- to 50-ft intervals. (c) Rear lot lines coincide with an alley. (d) All off-street parking is behind the buildings.
<b>A6.LOW RESIDENTIAL:</b> (a) Contains buildings for residential uses, including art studios, limited offices, limited lodging, and the like. (b) All of the building area above the ground floor is designated for residential use. (c) Outbuildings are permitted.	<b>B6.LOW RESIDENTIAL:</b> (a) A maximum of 60% of the neighborhood area is designated for low residential use. (b) Lots have a maximum frontage of 64 ft. (c) A maximum of two lots may be consolidated for the purpose of constructing a single building.	<b>C6.LOW RESIDENTIAL:</b> (a) Buildings are built out to a minimum of 40% of their frontage at a continuous alignment no further than 30 ft from the frontage line. (b) Side setbacks are no less than 10 ft in aggregate and may be allocated to one side. Buildings are set back no less than 20 ft from the rear lot line. Outbuildings have no required setback. (c) Buildings do not exceed three stories in height. (d) Building coverage does not exceed 50% of the lot area.	<b>D6.LOW RESIDENTIAL:</b> (a) Lots front roads no more than two lanes wide with optional parallel parking and sidewalks minimum 6 ft wide. (b) Street trees are installed on both sides of the street at no more than 50-ft intervals. (c) Rear lot lines may coincide with an alley. (d) All off-street parking is to the side or rear of the building. Where access is through the frontage, garages or carports are located a minimum of 20 ft behind the facade.
<b>A7.WORKPLACE:</b> (a) Contains buildings for uses such as corporate office, light industry, artisanal, warehousing, automotive, and the like.	<b>B7.WORKPLACE:</b> (a) A minimum of 2% and a maximum of 30% of the neighborhood area is designated for workplace use. (b) Lots have a maximum frontage of 64 ft. (c) A maximum of four lots may be consolidated for the purpose of constructing a single building.	<b>C7.WORKPLACE:</b> (a) Buildings are built out to a minimum of 70% of their frontage at a continuous alignment no further than 10 ft from the frontage line. (b) Buildings have no setbacks from side or rear lot lines. (c) Buildings do not exceed three stories in height. (d) Building coverage does not exceed 70% of the lot area. (e) Lots are separated from other use types at the side and rear lot lines by a wall of between 3 and 8 ft high.	<b>D7.WORKPLACE:</b> (a) Lots front streets as wide as necessary to accommodate truck traffic. (b) Street trees are aligned on both sides of the street at 35- to 50-ft intervals. (c) Rear lot lines coincide with an alley. (d) All off-street parking is to the side or rear of the building.

## PROJECT PHOTO ALBUM (IN PROGRESS)

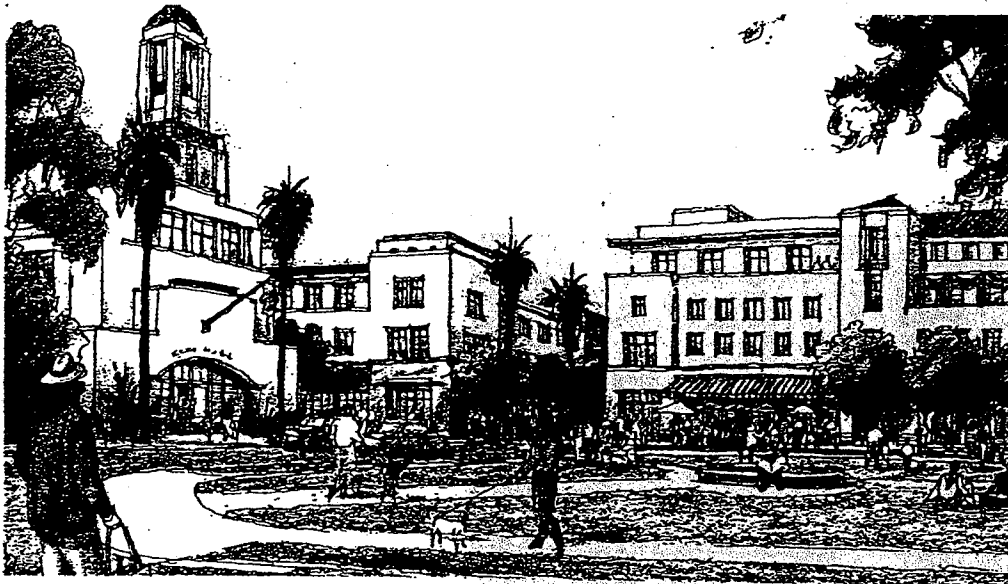
This is where, as other projects are identified by the commission, they are added to the portfolio. This should include plat maps if available, and specific photos of innovative design principles.

These are samples of developments that are "good"



# Playa Vista

World Idea Networks  
CASE STUDY LIBRARY



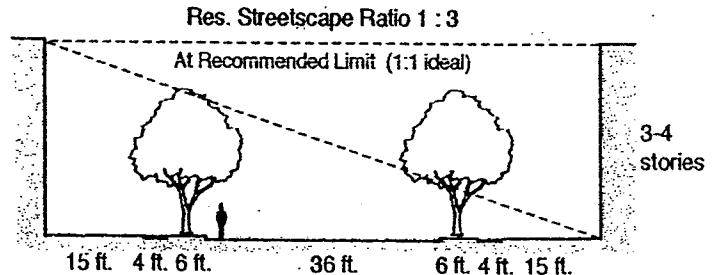
Playa Vista is the City of Los Angeles' largest urban infill development by far, a 1087-acre, compact and mixed-use new town. The most notable fact is not that the site will accommodate 28,000 people in the midst of one of the country's lowest density metropolises, but do so with nearly half of the site remaining as open space.



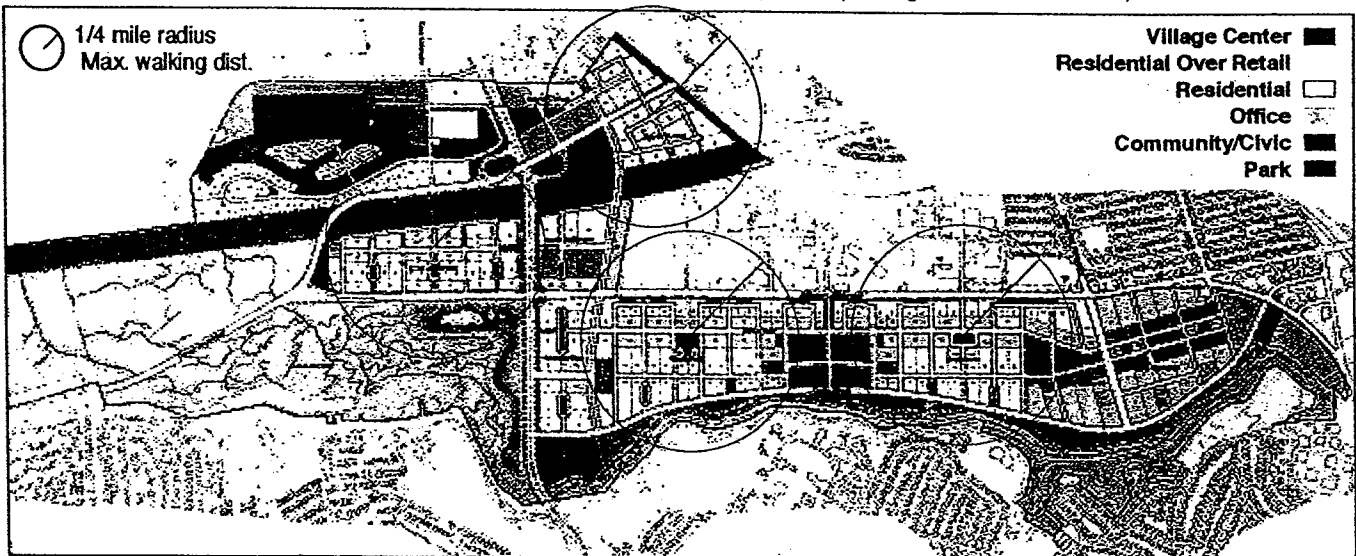
- Playa Vista will be at least 90% multi-family housing in a region dominated by single-family homes.
- It is the first of many failed attempts by developers to gain community and city council approval.
- 260 acres of deteriorated wetland habitat will be restored.



Former Howard Hughes Aircraft site



Note four of the six neighborhoods; the marina, the village center, office park (site of Spielberg's Dreamworks studio, and wetlands.





## Bridging the **Inequality** Gap

The office/motion picture park will provide thousands of jobs, with basic/affordable housing a walk away.



## Creating **Diversity**

Housing units range from under 600 sq.ft. to over 3000 sq.ft., 'districts' and open space are dispersed.



## Utilizing **Mixed Use**

Each neighborhood will have a park surrounded by civic, cultural, retail, and residential-over-retail buildings.



## Designed for **Pedestrians**

Narrow streets were hard fought. Smaller blocks, trees, promenades, and mixed-use support walking.

### Land Owner/Developer:

Maguire Thomas Partners,  
Nelson Rising, Partner-In-Charge  
Doug Gardner, Project Manager  
(310) 822-0074

### Design Firms:

Legoretta Arquitectos, Moore  
Ruble Yudell, Hanna-Olin,  
Elizabeth Moule and Stefanos  
Polyzoides, Duany-Plater Zyberk

### Primary Consultants:

Psomas and Associates (civil  
engineering), Barton-Aschman  
Associates, Inc. (transportation)  
Latham & Watkins, attorneys  
Sharon Lockhart (environmental  
counselor) June Kailes & Bill  
Jordan (disability consultants)

## Case History

Since Howard Hughes bought the land in the 1940's, the site has remained largely undeveloped as an airport. Surrounded by a residential population, nearby citizens worked with the developer to change the commercial zoning to one that supported a mixed-use, walkable community and preserved the wetlands.

To convey these principles into a master plan, the developer hired a team of leading designers and engineers with extensive experience in mixed-use and pedestrian-oriented communities.

In 1996/1997, Dreamworks SKG, a major movie studio headlined by Steven Spielberg, will begin construction on the first phase of the site where the office park (see map) was originally planned.

## Vital Signs

Acreage:	1087
Population:	28,000
▲ Density:	
Gross:	12.0 Units/Acre
Net:	45 Units/Acre
Housing Units:	13,000
Retail/Office:	2 mil.sq.ft.
▲ Open Space/1000 People:	16.7 Acres
▼ Parking Ratio:	
Residential:	2.25
Office:	2/1000 sf
Retail:	5-10/1000 sf
▲ Hidden Parking:	100 %
	Underground, courts
▲ Neighborhoods:	6+
▼ Street Width:	
Residential:	36 ft.
Commercial:	44 ft.
Sq. Ft./Person:	
Residential:	561
Office:	180
Retail:	21
▲ Multi Family Housing:	
Playa Vista:	90+%
US Average:	33%

Arrows suggest direction toward environmental and economic sustainability



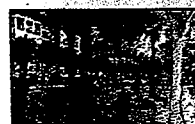
## Providing **Public Safety**

The greater the number of people in a greater amount of places, at all hours of the day, the safer. That is inherent for Playa Vista's 28,000 people.



## Improving Our **Health**

Daily routines once requiring a car are now walkable. Playing fields, parks, and jogging trails are prevalent.



## Including **Children/Youth**

Parks and playgrounds are never more than two blocks away. Teenagers have much greater access to friends.

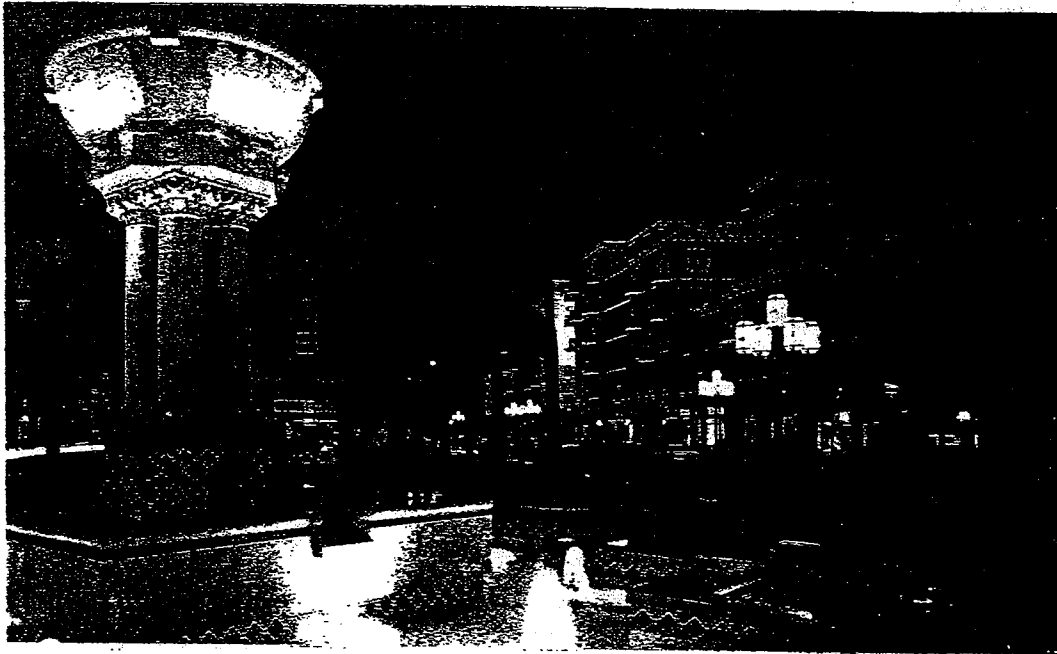


## Sustaining Our **Environment**

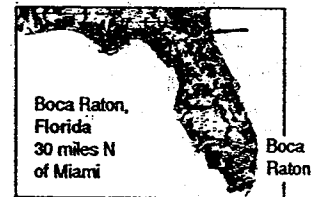
Playa Vista accommodates more than twice the average density of Los Angeles, even including half the site as open space.

# Mizner Park

World Idea Networks  
CASE STUDY LIBRARY



There are countless stories of people visiting Mizner Park simply because it caught their eye when driving by. It's indistinguishable presence has made it a de facto town center for Boca Raton, and its financial success has become a model for Southeast developers.

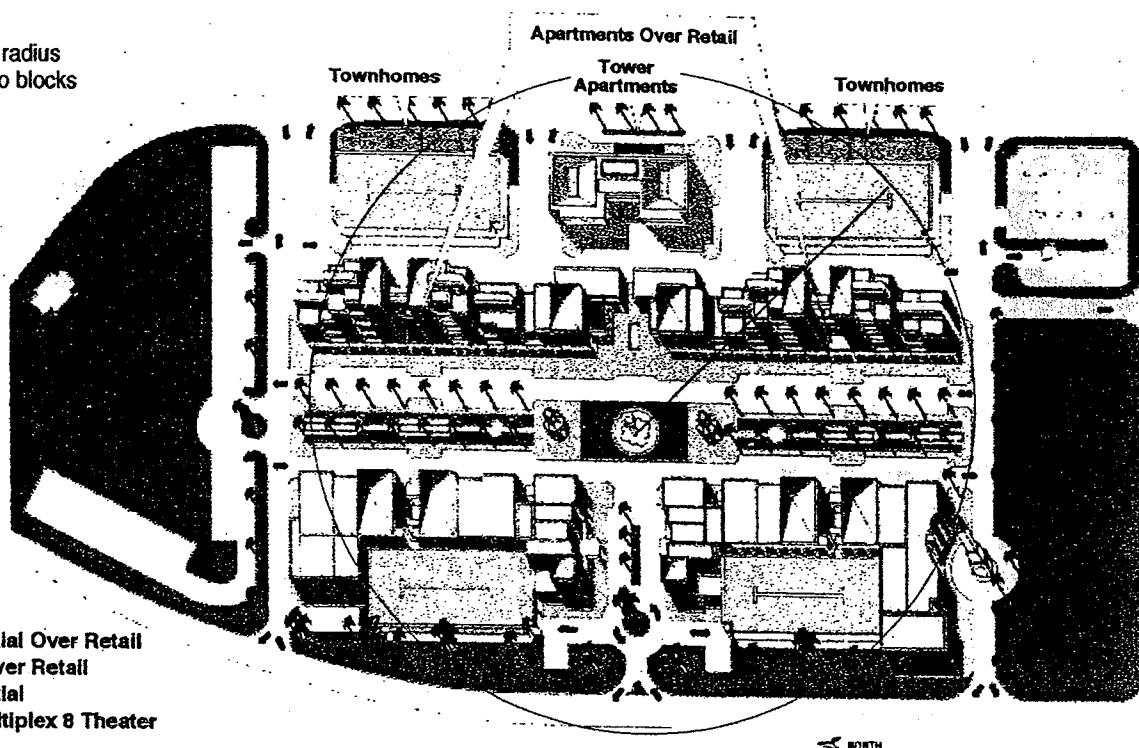


- Half of the apartments were rented before construction. All were leased before opening day. Rooms facing the public square were filled before those with an ocean view.
- The restaurants and theater complex are among the top-grossing outlets in their respective national chains. Average general retail sales continue at over \$400/sf/yr.
- The developer's plans are city approved 8 months after purchase. The project opens fully leased 23 months later.

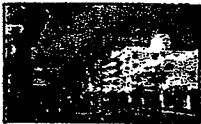
Streetscape Ratio 1 : 4  
(1+1 ideal, 1:3 max.)

Although the ratio is beyond the recommended limit, road paving is very minimal (see map).

1/10 mile radius  
About two blocks







### Building a Sense of Community

Attracting over a million visitors yearly, Mizner Park has become the focal point for year-round public events.



### Redefining "Conventional Wisdom"

The retail has no arterial visibility, residents live above the stores, office space is not monumentally distinct.



### Creating Diversity

Mizner Park attracts a diversity of people based on its many primary activities, yet affordable housing is lacking.



### Understanding Model Precedents

The developers modeled Old Town Alexandria, Virginia; East Hampton on Long Island; Worth Avenue, Palm Beach; South Street in Seaport, NY; and Cross Keys in Baltimore.

## Contacts

### Developer:

Crocker & Company  
433 Plaza Real, Suite 335  
Boca Raton, FL 33432  
(407) 362-0606

### City of Boca Raton:

Community Redevlop. Agency  
(407) 393-7700

### Design Firm:

Cooper Cary & Associates  
(202) 986-0130

### Lender:

Teacher's Insurance Annuity Co.

## Case History

1987- Boca Raton's Community Redevelopment Agency's recommends replacing a failed shopping mall with a mixed-use complex. the Crocker & Co. bought the land, sold it to the city, then leased part of it.

1988, June- A private developer, Crocker & Co. purchases the land, aware of the city's intentions. After negotiations, the City buys the land for \$58 million through tax increment financing and agrees to lease the land back to Crocker & Co. at \$280,000/yr. for ten years.

1989, January- Crocker & Co. and the city hold a referendum to determine community support. Overwhelming support results in a development contract the next month.

1991, January- The project opens, subsequently becoming a model of financial success.

## Vital Signs

Acreage:	28.7
Population:	480
Housing Units:	272
▲ Density Net nts/Acre	22.7
▲ Open Space	67%
▼ Hidden/Parking (Structured)	
Residential	100%
Retail	78%
▼ Parking Ratios:	
Residential:	1.75
Commercial:	1/350 sf
Square Footage	
Residential	272,000
Retail:	236,000
Office:	200,000

### Costs (in millions)

Site:	\$58
Site Improvement:	\$6.5
Construction:	\$53

### Rent (monthly, 1991)

Residential	
1BR-1BA	\$745-850
3BR-2BA	\$1400
Retail	\$2-2.50 sf
Office	\$1-1.20 sf

Arrows suggest direction toward environmental and economic sustainability



### Providing Public Safety

Mizner Park's grand promenade of people serves as the most effective and least costly 24 hr. watchforce.



### Improving Our Health

Most of Mizner Park is pedestrian only. The infusion of activities fosters a healthy social network.



### Accommodating Children

Children, youth, and the elderly alike thrive in an environment where activities are accessible without driving.



### Sustaining Our Environment

"The average density of Boca Raton is 2428 people/ sq. mi. Mizner Park averages 10,700 with 67% open space.

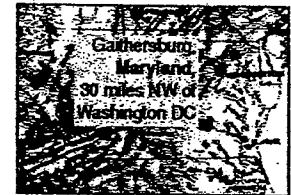
# Kentlands

Midtown (Center)  
Lakelands

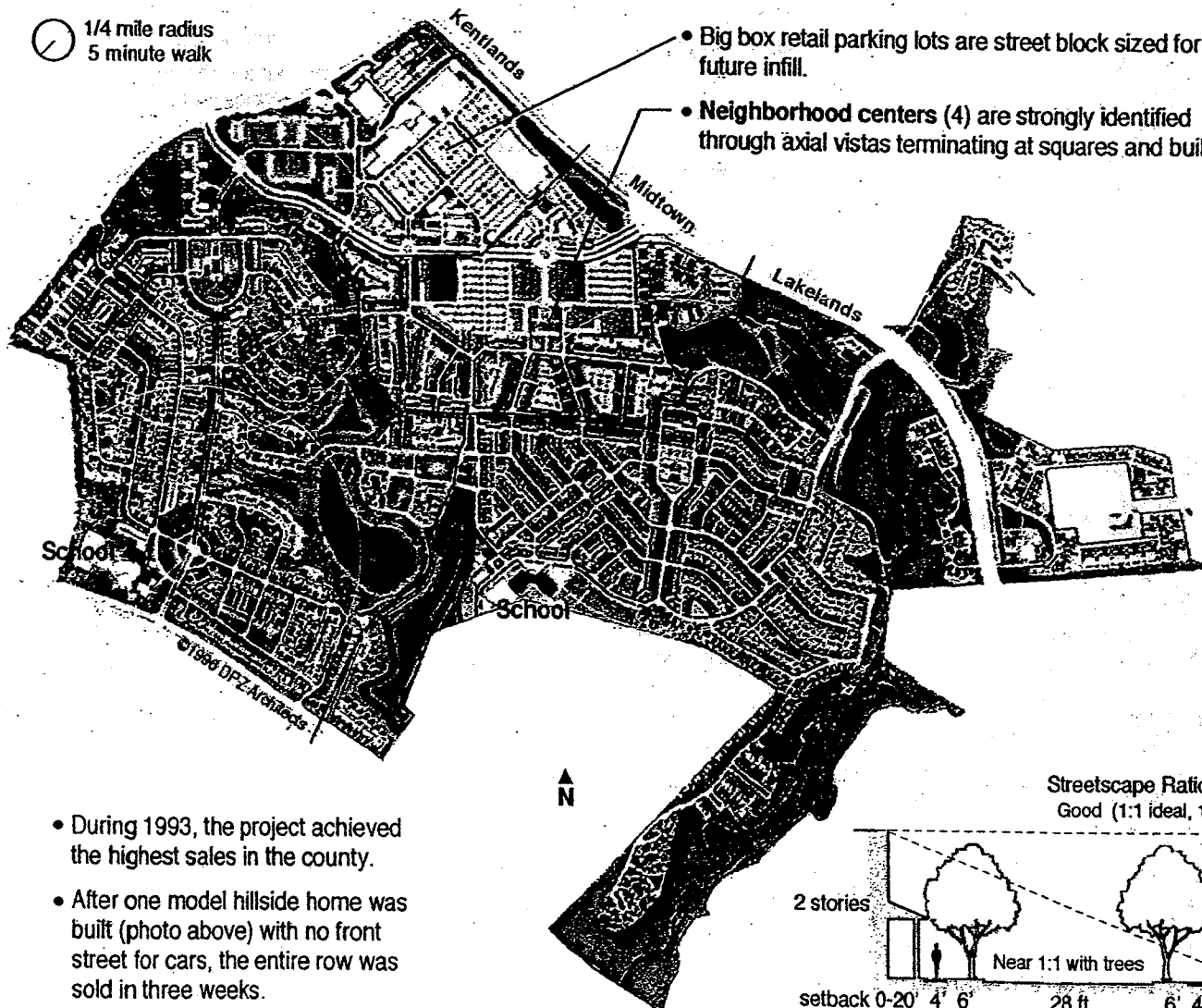
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Kentlands continues to receive significant publicity as a newly built example of traditional neighborhood development. Designs are being finalized for Midtown, a much more compact and mixed-use town center for Kentlands and its new neighbor, Lakelands.



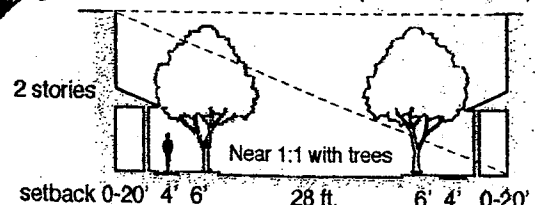
1/4 mile radius  
5 minute walk



- Big box retail parking lots are street block sized for future infill.
- Neighborhood centers (4) are strongly identified through axial vistas terminating at squares and buildings.

- During 1993, the project achieved the highest sales in the county.
- After one model hillside home was built (photo above) with no front street for cars, the entire row was sold in three weeks.

Streetscape Ratio 1 : 2+  
Good (1:1 ideal, 1:3 max.)





Bridging the **Inequality Gap** - Can a person making \$8/hr. live in Kentlands?  
In a \$600/mo. cottage with a nearby job, no car, and no debt in a tight-knit community, many people would.



### Homeowner Diversity

Within one typical block, living units sell between \$120,00 - \$600,000?, from 750 sq.ft. to over 5000 sq.ft.



### Architectural Detail & Diversity

Corner buildings have two facades. Streets may have five different builders, two/three stories, but same setback.



### Designed for Pedestrians

Hidden pathways, unexpected views, hillside stairways, and lakeside vistas are some of the stroller's assets.

#### Kentlands Info Center:

(301) 948-8353

#### Land Owner/Developer:

Great Seneca Develop. Corp.  
(Chevy Chase Fed. Sav. Bank  
Chevy Chase MD  
(301) 986-6000

#### Developer/Consultant:

Traditional Neighborhood Designs  
(Joseph Alfandre & Co., Inc.)  
1355 Piccard Dr. Ste 380  
Rockville MD 20855  
(301) 738-0287

#### Town Planner:

Duany-Plater Zyberk (DPZ)  
320 Firehouse Lane  
Gaithersburg, MD 20878  
(301) 948-6223

### Chronology

1987, Alfandre obtains a one-year option on unzoned land.

1988, Alfandre purchases land, hires DPZ to design a more community-oriented plan. At a public charrette, density concerns are raised by the City, not by the citizens. City adopts plan later that same year.

In 1991, Chevy Chase undertakes mutual foreclosure in midst of deep recession and S&L bailout. Alfandre is retained as consultant and continues to build homes on site.

1991-1994 800 homes sold mostly on a contract basis with smaller builders.

1997-1998 Construction of Lakelands, 2000 units, 400 acres, to share Midtown.

1998 Expected completion of Midtown.

### Vital Signs

Acreage: 352

Population: 2500 Ph.1

Density:

Gross: 4.7 Units/Acre

Net: 7.0 Units/Acre

Housing Units: ~1500

Retail/Office 2 mil.sq.ft.

Park res/1000 People: 27

Parking Ratio:

Residential 2.0

Commercial 5/1000 sf

Hidden Parking: 100 %

Parking courts and alleys

Neighborhoods: 5

#### Costs (in millions)

Site: \$40.0

Site Improv.: \$20.0

Construction: \$2.0  
(rec center, school, childcare)

Soft Costs: \$5.0  
(Lender is developer, low rates)

#### Sales

477 Single-family det.

1200-6000 sq.ft.

\$275,000-\$500,000

378 Townhomes

1200-3000 sq.ft.

\$215,400-\$319,900

560 Condominiums

1000-1400 sq.ft.

\$126,990

240 Apartments

650-1200 sq.ft.

\$815-1385 rent



### Providing Public Safety

Kentlands front doors open onto very visible public streets and greens, usually active with people.



### Improving Our Health

The neighborhood encourages walking, de-emphasizes traffic, and is surrounded by open space.



### Including Children

Parks and playgrounds are never more than a " " hundred yards away. Pedestrian streets are safer for kids.



### Sustaining Our Environment

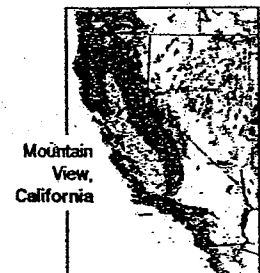
Compact development conserves land as well as energy. Wetlands and lakes are preserved.

# The Crossings

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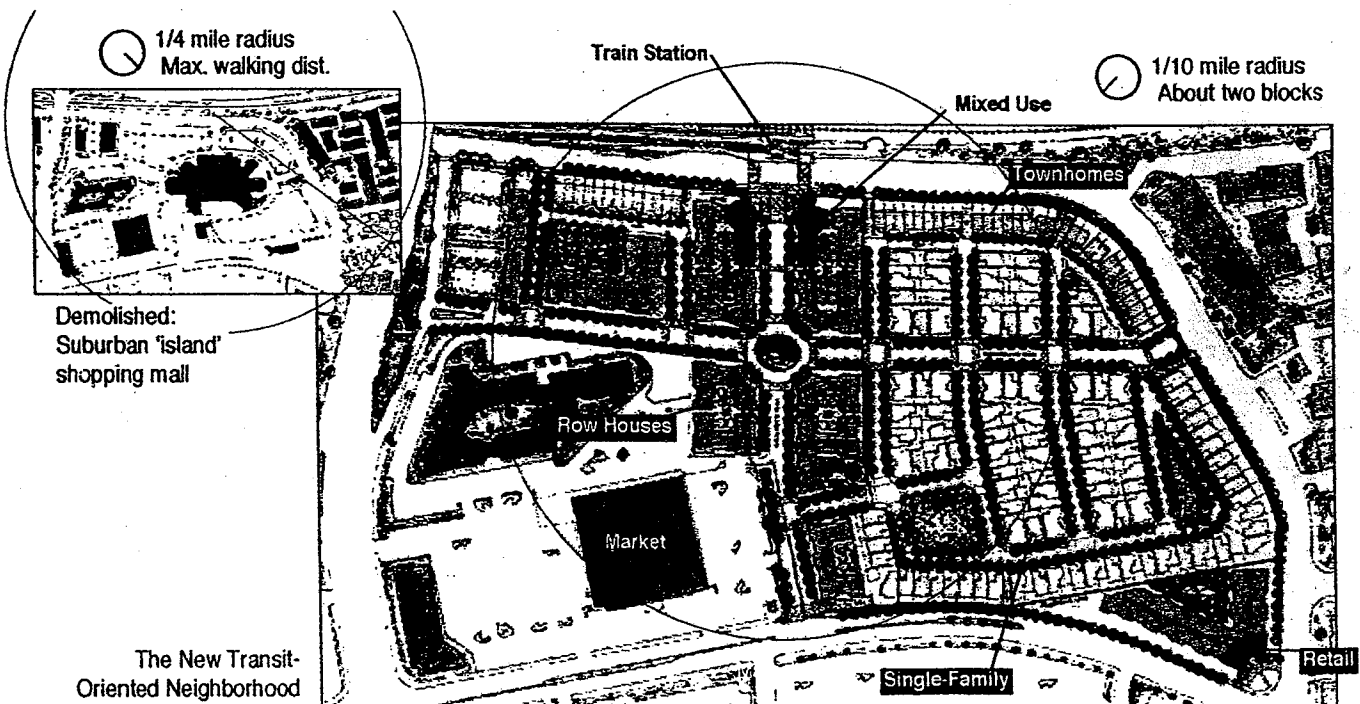
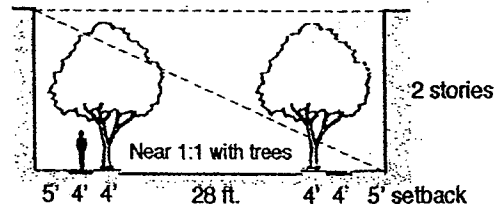


The Crossings is a true transit-oriented development, prompting the relocation of an existing low-density train stop to the compact neighborhood and providing over 700 people with an average 200 yard walk to S.F. Bay Area accessibility.



- The housing units were the fastest selling in the region.
- Higher densities, narrow streets, hidden parking, and mixed uses are unique to the city, yet are the **key selling points** for the residents. The word 'convenient' is most often mentioned in interviews.
- Construction began less than five months after the architect was hired.

Streetscape Ratio 1 : 2.1  
Good (1:1 ideal, 1.3 max.)





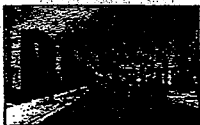
### Integrating **Affordable Housing**

80% of the homes are below the median home price in the city.



### Designed for **Pedestrians**

All residential parking is hidden, blocks are short, and front porches welcome neighbors.



### Citizen **Involvement**

The neighborhood became a quick reality through the collaboration of the developer, the City, and its citizens.



### Creating **Diversity**

Affordable housing, a 24 hr. concentration of people (residents), a walkable environment, short blocks, and primary uses (the parks, market, and transit station) all promote diversity

~Jane Jacobs, urban author

#### City of Mountain View:

Ken Alsmann, Planning Director  
Michael Percy, Project Manager  
(415) 903-6306

#### Developer:

TPG Development  
Chris Wuthman,  
Project Manager  
(415) 917-0926

#### Architect/Urban Designer:

Calthorpe & Associates  
Peter Calthorpe, Dan Solomon,  
Matt Taecker, Gary Strang,  
Patricia McBrayer  
(510) 548-6800

### Case History

After the mall failed financially, the City designated the site as a Planned Community Zone. Citizens asked for open space, height limits, and low densities. The City succeeded in convincing the public that higher densities were vital to supporting transit.

TPG Development purchased the site and proposed a high-density, mixed-use master plan. The City rejected this proposal for its lack of social and transit planning. The City recommended Calthorpe & Associates, the developer agreed, and the City Council approved the plan five months later.

As of 1996, the single-family and townhouse phases were completed and sold.

### Vital Signs

Acreage:	18
Population:	720
Housing Units:	360
▲ Density Units/Acre:	20
▲ Parks Acres/1000 People:	4
▼ Street Width:	28 ft
▲ Hidden Parking:	100 %
Attached:	Underground
Single-family:	Behind Home
▼ Parking Ratios:	
Single-family:	2.0
Townhouses:	2.4
Apartments:	1.4
Square Footage	
Retail:	5000
	(7.0 sq.ft./person)
Grocery:	42,000
▲ Multi Family Housing	
The Crossings:	71%
US Average:	33%
Housing Types	
Single-family:	103
Townhomes:	30
Row Houses:	99
Apartments:	128

### Sales

Single-Family:	~\$300,000
Townhouses:	~\$120,000

Arrows suggest direction toward environmental and economic sustainability



### Providing **Public Safety**

Safe places require: 24 hr. 'eyes on the street', clearly defined public streets with no dead ends, street lighting, and strong building entry visibility to neighbors.



### Improving Our **Health**

Physically, residents can walk to most amenities. Mentally, they may benefit from a community-oriented environment de-emphasizing auto-related stress.



### Accommodating **Children**

Playgrounds are never more than two blocks away and continuously used. A day care facility is planned. The project attracts more families than expected.



### Sustaining Our **Environment**

Affordable housing, a concentration of residents, a walkable environment, and primary uses (the parks, market, and transit station) all promote diversity.

# Uptown District

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Uptown District is a major precedent for infill urban development: It replaces a strip mall, is high-density 43 units/acre in the middle of an upper middle-class neighborhood, incorporates big-box retail, and its residential neighborhood is completely free of automobiles.



Streetscape Ratio 1.2 : 1  
Excellent (1+:1 ideal)



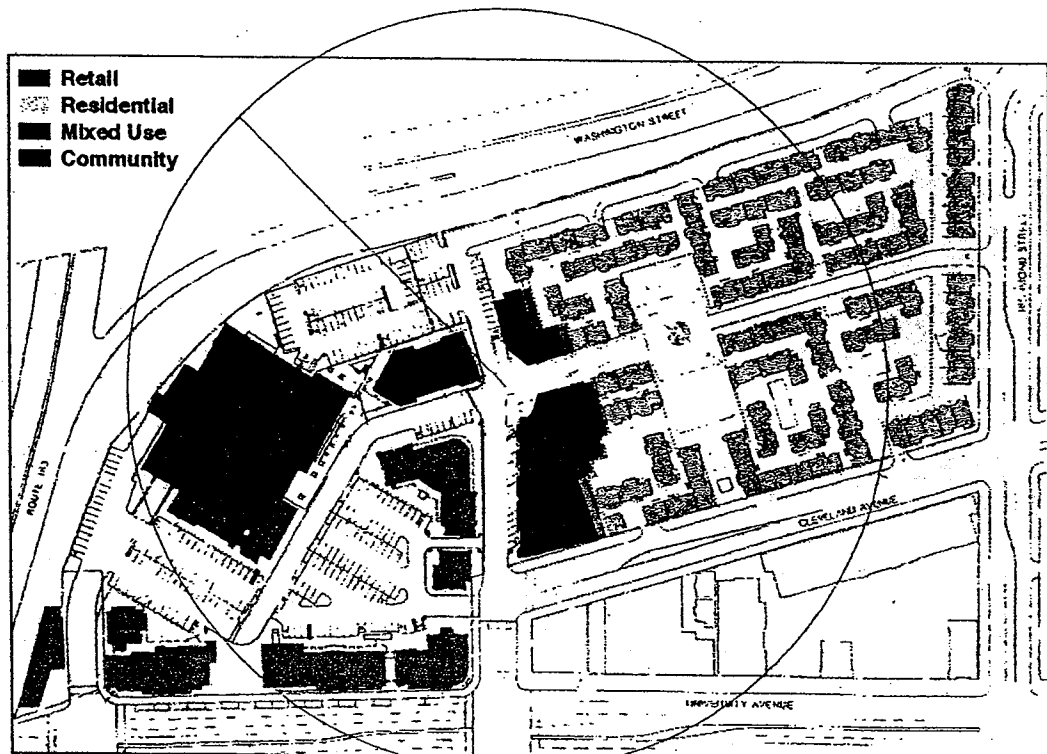
- All housing units were leased within three months of operation.
- The supermarket opened just two years after the City of San Diego issued the RFP.
- Uptown District is Ralph's highest grossing supermarket in its chain, exceeding revenue projections by 25-30 percent. However, the other retail mix needs reevaluation.

Former Sears strip mall center.



1/10 mile radius  
About two blocks

The new neighborhood  
integrating big box retail





## Building a Sense of Community

Residents share a community center, pool, and courtyards. On site cafes make for English pub-type gatherings.



## Human-scaling Big Box Retail

A row of shops fronting the 42,500 sf grocery store, 40% underground parking, and supported by mixed-use.



## Designed for Pedestrians

Architectural design strongly emphasizes a village scale. Large supermarket street signage is nonexistent.



## Working with Community Groups

"The surest way to minimize risk from an entitlement point of view" ~ joint developer Ted Odmark.

## Contacts

**City of San Diego:**  
Michael Stepner  
Project Manager  
(619) 236-7195

**Developer:**  
Oliver McMillan/Odmark &  
Thelan  
(619) 457-0911

**Architect/Urban Designer:**  
SGPA Architecture and  
Planning  
Lorimar-Case (Housing)

**Lender:**  
Great America Savings Bank

## Chronology

1986- The City purchases Sears store site. When residents object to a proposed library, the City forms a committee of citizens, businesses, city officials and urban designers to decide the site's future. The priorities agreed upon were a human-scale, mixed-use project that supported pedestrian activity and a large grocery store.

1987- A two developer joint venture is chosen by RFP. Because of its investment, the city fast-tracks the project, faster than the developer desires!

1989- While the supermarket and housing opened to success, retail has been slow, although 70% is leased after 3 months. The pedestrian-oriented retail does not have a substantial counterpart base of pedestrian-oriented residents (600) within an auto-oriented suburb.

## Vital Signs

Acreage: 14  
Population: ~600  
Housing Units: 318  
▲ Density Units/Acre: 43  
▲ Hidden Parking:  
Residential 100%  
Retail 40%

▼ Parking Ratios:  
Residential: 2.25  
Commercial: 1/285 sf

### Square Footage

Residential 304,000  
Retail: 100,000  
Grocery: 42,500

### Costs (in millions)

Site: \$12.1 (1986)  
Construction: \$66

### Sales (1990)

Residential ~\$100,000  
Retail \$2-\$3.50 sf  
Office \$1.85 sf

Arrows suggest direction toward environmental and economic sustainability



## Providing Public Safety

Uptown's layout is very clear and simple, allowing good visibility among neighbors at all hours. Restaurants and the market provide round the clock public activity.



## Improving Our Health

Residents are able to do many of their errands on foot, reducing auto-related stress. Courtyards and cafes spur frequent neighborly socializing.



## Accommodating Children

Uptown's walkable layout serves as excellent playground territory, surrounded by watchful neighbors, and allowing safe social exploring, key to healthy child development.

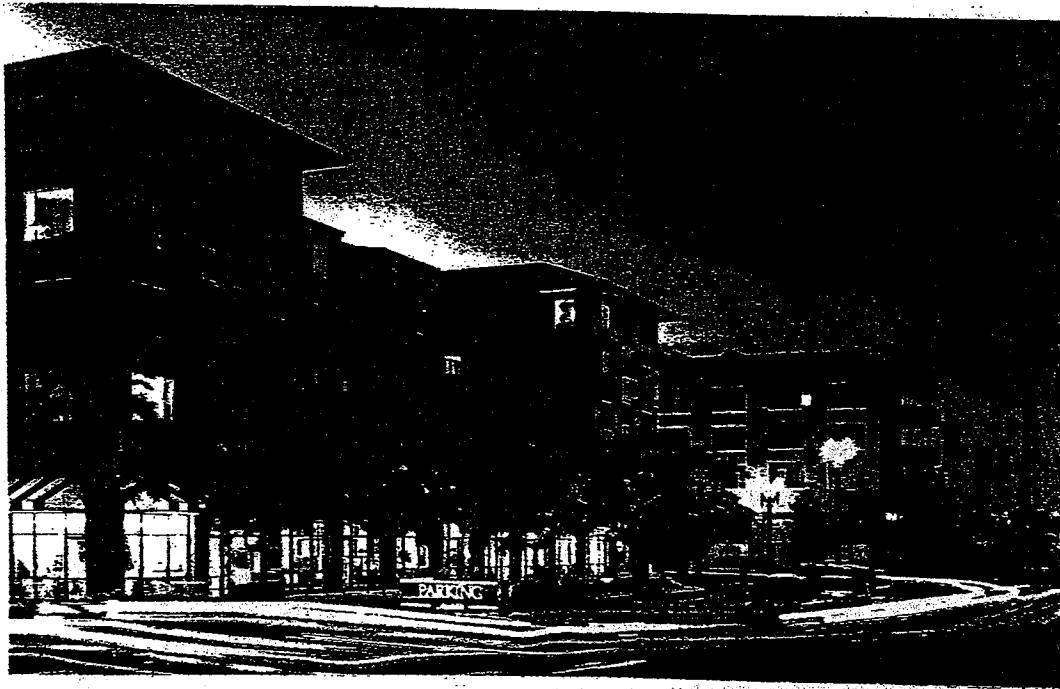


## Sustaining Our Environment

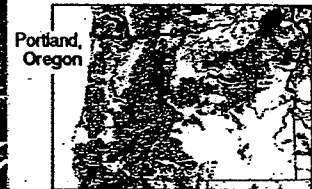
If San Diego were of the same compact and balanced layout as the residential and retail areas of Uptown District, 86% of that land would be open space.

# RiverPlace

World Idea Networks  
CASE STUDY LIBRARY



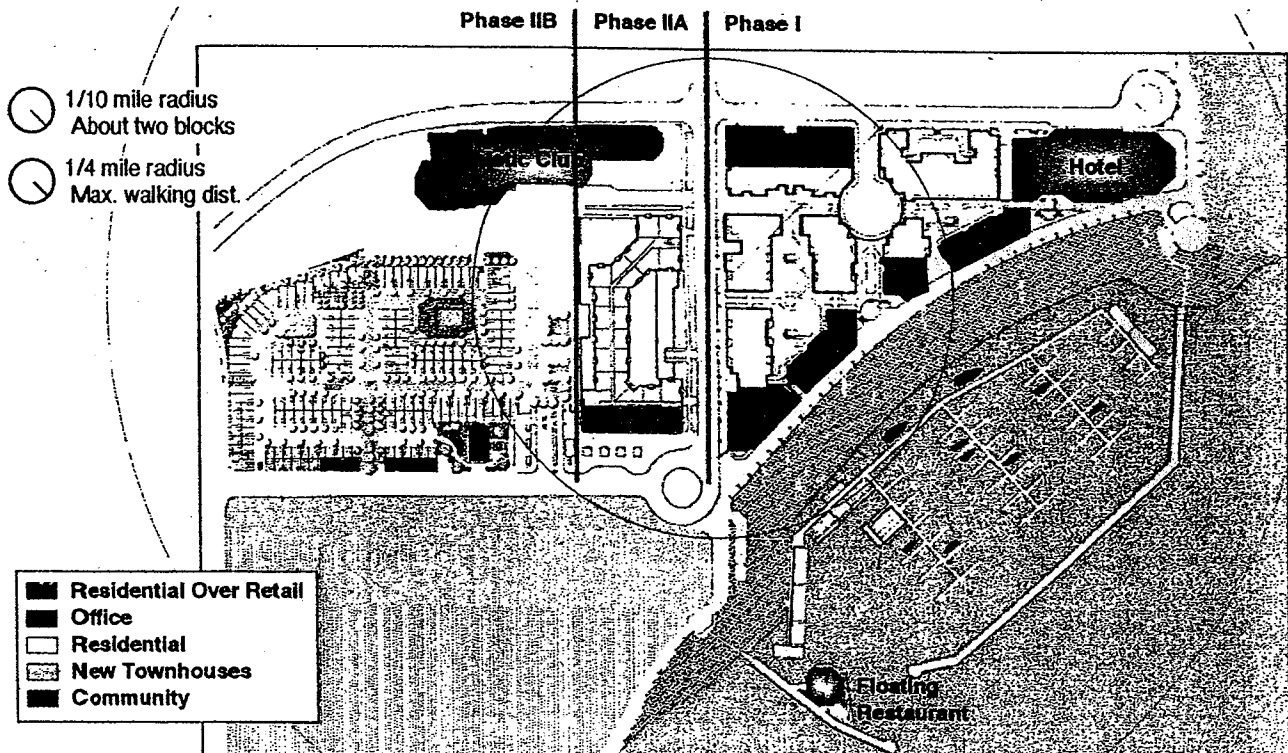
Basking on the site of a former freeway, **RiverPlace** has become a local and tourist destination, attributable to its well-defined waterfront promenade lined with shops, restaurants and outdoor seating. 24 hour public life is abuzz from its resident population, hotel, and marina.



- Housing units have a waiting list, increasing in value one and a half times faster than other Portland properties, offices remain at full occupancy, retailers see increasing sales yearly.
- RiverPlace hosts the highest occupancy hotel, the most popular athletic club, and the highest restaurant volumes in the state.
- Time from submission to City Design Commission to final approval: Six weeks.

## Streetscape Ratio

RiverPlace does not have a street system, with only a single entry into the entire waterfront project.







## Building a Sense of Community

RiverPlace residents are quick to tell people they live there. It's strong identity attracts the city's major events.



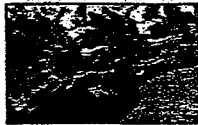
## The Village Square

A U.S. rarity, RiverPlace's square is an esplanade, lined with shops, restaurants, a hotel, and outdoor seating.



## Redefining 'Conventional Wisdom'

The City demolished a freeway in the 1970's to build a neighborhood and park. They are targeting others.



## Creating Diversity

While RiverPlace lacks a diverse population (affordable restaurants/housing), its festivals are very diverse.

## Contacts

**City of Portland:**  
Portland Develop. Commission  
(503) 823-3254

**Developer:**  
Phase I, IIA: Cornerstone  
Columbia Development Co.  
(206) 623-9374  
Phase IIB: Trammel Crow  
(206) 828-3003

**Design Firms:**  
Phase I: The Bumgardner  
Architects, Seattle, WA  
Phase II: GGLO Architects  
(206) 467-5828

## Chronology

1976 - City of Portland demolishes waterfront freeway, designating a 73-acre South Water-front Project Area, downtown's only undeveloped tract (until another freeway is dismantled.)

The Portland Development Commission (PDC) selects Cornerstone Columbia based on management depth, extensive mixed-use experience, and substantial financial credibility.

The project follows the City of Portland's downtown guidelines to create pedestrian activity, and the PDC guidelines. One major design issue was monumental visibility, more successfully captured as a village rather than an iconoclastic building.

1987 Phase I is completed.  
1991 Phase IIA is completed.  
1995 Phase IIB is completed.

## Vital Signs

**Acreage:** 15.6  
**Population:** 655  
**Housing Units:** 448

▲ **Density:**  
Gross: 31 Units/Acre  
Net: 43 Units/Acre

▲ **Hidden Parking:**  
Residential 100%  
Retail 60%

▼ **Parking Ratios:**  
Condos: 1/bedrm.

## Costs (millions)

**Site:** \$15.6  
**Construction:** \$66

**Phase I**  
Condos 190 units  
(235,000 sf) \$15.9  
Hotel 74 units \$12.1  
Offices \$7.6  
Retail \$5.2  
Athletic Club \$7.5

**Phase IIA**  
Apts. 108 units \$9.5

**Phase IIB**  
Twnhs. 182 units \$12.7

## Sales (1990)

1 Bedrm. Studio  
800 sf \$85-\$125,000  
Esplanade 2 Bedrm.  
1300 sf \$200-\$215,000

Arrows suggest direction toward environmental and economic sustainability



## Providing Public Safety

Intrinsic in the master plan: 24-hr mixed-use activity, windows looking over clearly defined public streets.



## Improving Our Health

The adjacent Waterfront Park and athletic club are well used by residents. The social atmosphere is car free.



## Including Children

Teens and the elderly as well have the same accessibility (walkability, transit stop on site) as adults - without a car.



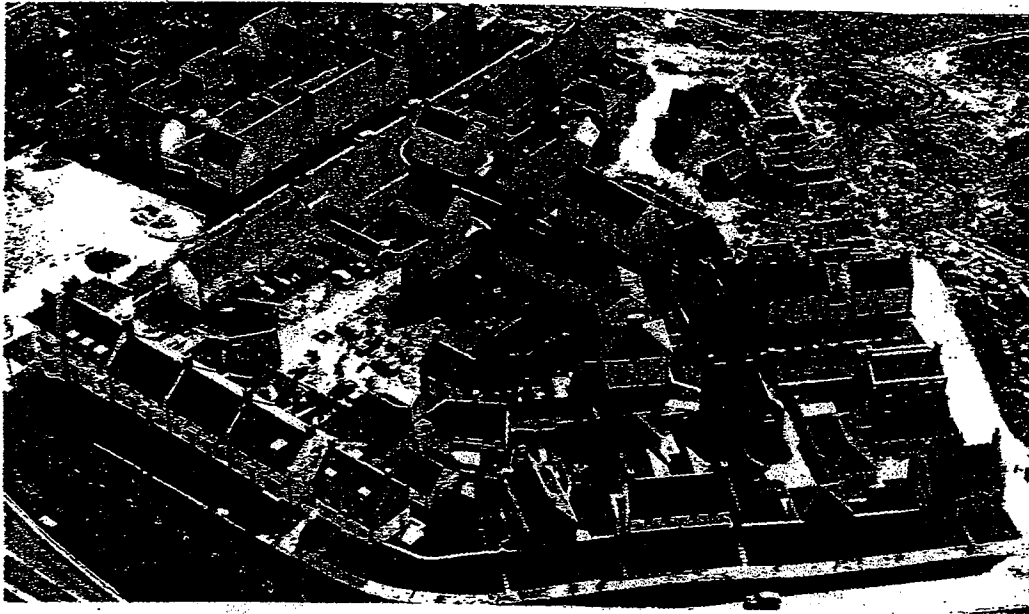
## Sustaining Our Environment

The population density is 27,000 people/sq.mi. with one-third open space, five times similar land uses in Portland.

# Poundbury

England

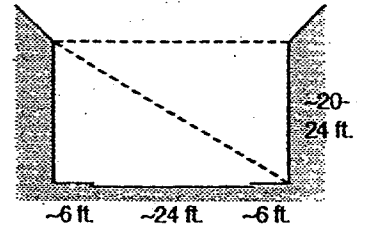
World Idea Networks  
CASE STUDY LIBRARY



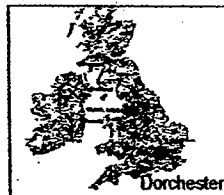
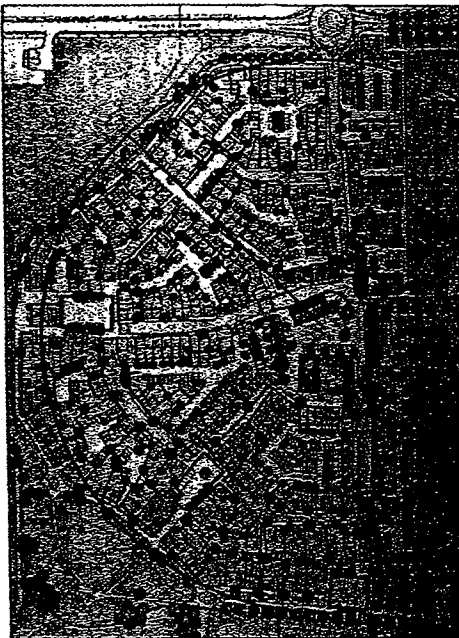
The philosophy of Poundbury has very much to do with the careful, detailed planning of an attractive, modern and pleasing place in which people can live, work, shop, and play, including not just houses and flats, but also work places, shops, schools, leisure and community buildings.

- The first new community in Britain incorporating the principles of the Prince of Wales' *A Vision of Britain*.
- *A Vision of Britain* ten principles include: place response; hierarchy of buildings; human scale; harmony; enclosure: defined growth boundaries, squares, courtyards; traditional materials; decoration, art, signs and lights, and an involved community.

Streetscape Ratio 1 : 1.5  
very good

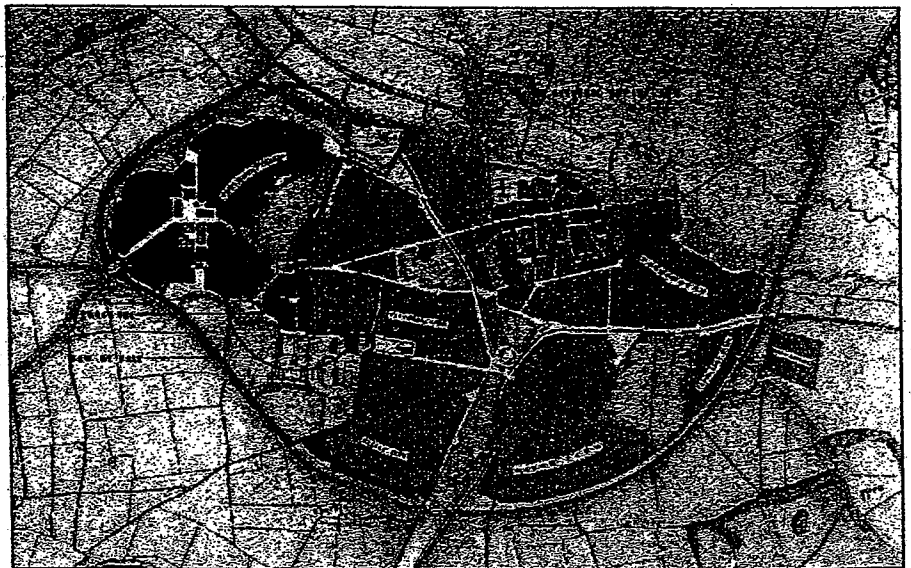


Phase I. Neighborhood square is clearly identifiable by residents. Radial pattern of 120 degrees is most efficient angle.



Poundbury development is defined by black line. Circled region is phase I of four. Note the well-defined urban boundary.

1/4 mile radius  
Max. walking dist.



1/10 mile radius  
About two blocks



### A Sense of **Community**

A well-defined market square at the neighborhood's center provides a public watering hole and town identity.



### Designed for **Pedestrians**

Roads are narrow, winding and irregular, pleasantly interesting for walking. All parking are behind buildings.



### Building in **Craftsmanship**

Vernacular materials of marble, stone, cob, thatch, brick, and tile used by local builders working over 100 yrs.



### Creating **Diversity**

20% of housing is deemed for local people, each house is instantly recognizable and distinct, but none domi

#### City:

Duchy of Cornwall  
10 Buckingham Gate  
London SW 1E 6LA  
+44 (0) 171-834-7346  
+44 (0) 171-931-9541 fax

#### Master Planner:

Leon Krier

#### Development Director:

Andrew Hamilton

#### Coordinating Architect:

Peterjohn Smyth of the  
Percy Thomas Partnership

#### WDDC District Architect:

David Oliver

### Chronology

In 1987, the local planning authority, West Dorset District Council, selected the Duchy of Cornwall's land, owned since 1342, for future expansion to accommodate local housing needs.

In 1988, The Prince of Wales appointed the architect and urban planner Leon Krier to prepare a master plan for the development, adding one-third to the existing town of Dorchester (AD43).

In 1989, the master plan was exhibited at a Planning Weekend attended by The Prince of Wales at Poundbury Farm (the site) encouraging public participation in the scheme.

In 1993, construction began.

### Vital Signs

Acreage: 400

Population: ~700 Ph.1

5000 Complete

Housing Units: 240

▲ Density Units/Acre: 20

Open Space

Acre/1000 People: 27

▲ Hidden Parking: 100 %  
Parking courts and alleys

▼ Street Width: ~24 ft

▲ Neighborhoods: 4  
This project is Phase I.

Status: Construction 50%

Arrows suggest direction toward economic and environmental sustainability



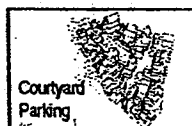
### Providing **Public Safety**

England's low crime and violence rates may be related to its tighter, higher-density, community network.



### Improving Our **Health**

The neighborhood encourages walking, de-emphasizes traffic, and is surrounded by open space.



### Accommodating **Children**

Streets are prioritized for walking, alleys for cars. One-third of the entire 400-acre town will be open space.



### Sustaining Our **Environment**

Compact development conserves land as well as energy, with Energy Ratings at 8.4/10, the avg. being 3-4.

## MEMORANDUM TO PLANNING COMMISSION

FROM: PLANNED DEVELOPMENT REVIEW COMMITTEE

DATE: 5/12/05

RE: DRAFT COMMITTEE RECOMMENDATIONS

The Planned Development Review Committee has been meeting since April, 2004 to review and make recommendations regarding changes to ordinances governing planned developments. The committee met on May 4, 2005 and orally agreed on draft recommendations that the committee wants to discuss with the planning commission. Due to Morgan Tracy's absence for his wedding, Gretchen Buehner prepared minutes and the revised draft of recommendations. Individual committee members may have additional recommendations. After the meeting with planning commission, the committee will meet in early June to give direction for implementation of committee recommendations into draft ordinances. The committee plans to meet with City Council with these draft ordinances at the July or August workshop meeting. The committee appreciates the opportunity to meet with and receive input from the planning commission on the draft recommendations.

## MAIN COMMITTEE RECOMMENDATIONS - applying directly to PC code

1. Create a toolbox of ideas and concepts for Planning Commission and applicants to use to develop and assess the merits of proposed PD's. (You have a copy of the draft Morgan prepared before he left).
2. Create a method to transition lot sizes
3. Ensure the new development is consistent with the surrounding neighborhood (to the extent practicable in light of changing density requirements)
4. Place burden on applicant to demonstrate that a PD is a "better" solution. The developer/applicant should address how their project achieved the following principles:

- Housing stock diversity?
- Architectural Detail and Diversity?
- Pedestrian Amenities?
- Improved Public Safety?
- Accommodates Children and/or seniors?
- Sustainable Development?
- Preservation of significant natural resources?
- Integration with the existing neighborhood?

5. Clearly separate the concept from the detail plan.
6. Open space as a mandatory requirement, some portion to functional for humans.
7. Promote sustainable development, including storm water.
8. Enhance the neighborhood meeting process.
9. Encourage general additional amenities.
10. Develop standards that will promote walkable neighborhoods.

11. Density as a function of design excellence.
12. Re-zone to reduce density and delete unbuildable land such as CWS facilities from buildable land survey (see policy recommendations below)
13. Limit Density bonuses.
14. Limit Density transfers.
15. Application should address all of the criteria set forth in the tool box

**COMMITTEE SIDE RECOMMENDATIONS - relate to other code provisions or policy issues**

1. Establish a mechanism for collecting a funding an open space acquisition program
  - a. General Obligation Bonds
  - b. Local Assessment Districts
  - c. Create a fee in lieu program for transfers and consolidation of open spaces, don't use park SDC's for park acquisition
2. Establish an Open Space Network Master Plan to identify general areas where open space should be accepted by the city, rather than on an ad hoc basis. Alternatively, create a new zone or pass an ordinance authorizing either the Planning Commission or Parks Board to decide matters of public land acceptance. If donating land, the applicant or staff should prepare an estimate of the annual costs associated with maintenance and insurance for the property.
3. Revisions to the Tree Code to impose a more specific standard set of protection guidelines
4. Possible revisions to street and utility improvement section (TDC 18.810) to allow for other types of public, and/or develop standards for private streets, such as requiring green private streets.
5. Work with CWS to expand allowable uses in buffer areas on a site specific basis, namely passive recreation uses such as trails, signs, pedestrian bridges, seating, viewing blinds, observation decks, handicapped facilities, drinking fountains, picnic tables, interpretative facilities, and similar facilities. Also work to see if an alternative to fencing off an area can be found to clearly demarcate a sensitive area. Such ideas could include a road or driveway that separates the lots, low totems, rockery walls, all with appropriate signage.
6. Include in reports from Planning Commission appeals to Council, a summary of deliberations during the hearing. Meeting minutes are insufficient.
7. Open space issues.
  - a. Look at policy of not accepting dedication of small parcels. All "undisturbed natural areas should be in public ownership. (No access to site, except for authorized personnel. No maintenance. This would apply to areas where there are endangered species, which need absolute freedom from any disturbance freedom from any disturbance.
  - b. Review policy of open space in private v. public ownership.

- c. Create a zone for open space.
- d. Development should not allow density transfers for open space.
- e. Open space types

I. Minimal Use Facilities for recreation, limited to soft-surface trails, which are minimally maintained. No other facilities would be allowed.

ii. Passive Use Recreational Facilities. Facilities for recreational uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft-surface trails, signs, pedestrian bridges, seating viewing blinds, observation decks, handicapped facilities, drinking fountains, picnic tables, interpretative facilities and similar facilities.

iii. Active Use Recreational Facilities. Facilities for recreational uses that tend to be more organized and/or that require a greater degree of site development and conversion of natural area, including sports fields, playground equipment, group picnic shelters, hard surface pathways, permanent restrooms, accessory parking lots and similar facilities.

- 8. Reduce storm water runoff in PD's.

## Attachment 7

**From:** "Gary Firestone" <garyf@rcclawyers.com>  
**To:** <Sean@tigard-or.gov>  
**Date:** 3/7/2006 11:17:31 AM  
**Subject:** Re: Proposed Planned Development Code Changes

Sean:

I have both some general comments and some specific comments. One of the general comments involves a major change in approach. I will start with the general comments, and then go to the specifics.

#### General Comments

1. The biggest question I have is whether we want to have the PD be an overlay zone. Some attorneys have started to claim that application of an overlay is a zone change. If it is a zone change, arguably it is reviewable not just under the CDC, but is subject to review under the Comprehensive Plan. CDC 18.380.030B.1 Also, the City is arguably required to provide notice to DLCD in advance of a zone change. See OAR 660-018-0020(1). One option is to require a PD plat (with all the restrictions and requirements shown on the plat), but not an overlay zone. Also, it seems incongruous to have a Type III process for that zone change when the standard is essentially a check for consistency with the detailed development plan. (I recognize that Type III is needed for a zone change). If the City does want a zone change, then I do not see any reason to keep steps 2 (detailed design plan) and 3 (zone change) separate.
2. There are substantive inconsistencies throughout, mostly relating to procedure. One of the reasons for the inconsistencies is that there are redundancies. Section 18.350.020 is entitled "Process" and Section 18.350.030 is entitled "Administrative Provisions" which is another way of saying the same thing. I think these two sections can be combined and some of the redundancy eliminated. One example of an inconsistency is between 18.350.020C, which states that detailed development plan shall be processed by at Type II procedures, while 18.350.030B and 18.250.050A both state that this will be a Type III procedure. To repeat my original comment, it seems strange (at best) to require three Type III procedures.
3. The draft code revision is inconsistent in terminology. For example, there are references to "detailed development plan" and to "detail plan."

#### Specific Comments

Section 18.350.020B.2 Is the preliminary subdivision plan truly a substitute for the detailed development plan? This seems inconsistent with most of the rest of the provisions, which require a detailed development plan. I do not see any reason to refer to the preliminary subdivision plan, except to state somewhere that if a subdivision is proposed, the application for preliminary subdivision plan is to be filed concurrently with the detailed development plan.

Section 18.350.020C.2. As discussed above, this provides for a Type II process of the detailed development plan review, whereas other sections call for a Type III review.

Section 18.350.020E. This section creates the possibility of concurrent applications for concept plan, detailed plan, and zone change. A requirement for a zone change application is submission of the approved detailed plan. 18.350.060A. These provisions are inconsistent.

Similarly, the provision that all actions may be at the same hearing (second sentence of subsection E) is also inconsistent with 18.350.060A and with the provision that the detailed development plan is a Type II approval.

Section 18.350.030A. The reference to the approval criteria should be to 18.350.040D, unless the sections are renumbered.

Section 18.350.030B. The Type III procedure requirement for detailed development plans is inconsistent

with the provision in 18.350.020C.2. The reference to the approval criteria should be to 18.350.050E. Also, although there is a requirement to file the detailed development plan within 1.5 years of conceptual plan approval, there does not appear to be a similar requirement for zone change application to be filed within a certain time of detailed plan approval. Also, it might be advisable to rephrase the provision to state that the conceptual plan approval expires after 1.5 years unless an application for for detailed development plan approval or request for extension is filed.

Section 18.350.030C. This section provides that the overlay zone expires if the detailed development plan approval lapses or expires. As long as the PD is a zone (even an overlay zone), a zone change process is needed to change the zone back. It cannot happen automatically. Also, it does not specify when the detailed development plan approval lapses or expires.

This section also provides that the zoning map amendment is by a Type IV procedure, which is inconsistent with both 18.350.020C.3 and 18.350.060. Furthermore, if it is a Type IV, then the statewide planning goals, as well as the Comp Plan apply. CDC 18.390.060G.

Section 18.350.030D. This should be clarified as to which approvals can be extended. See comments on subsections B and C.

In subsection D.2, the City needs to decide whether an application for a preliminary plat review is sufficient, or whether the application for a detailed development plan is needed to be filed before the conceptual plan lapses. Note that in Subsection B, the requirement is that the detailed development plan be filed within 1.5 years, without reference to a preliminary subdivision plat.

Section 18.350.030H. The issuance of occupancy permits is tied to completion of the development consistent with the detailed development plans, without any reference to the PD overlay zone. If the overlay zone is required, then no occupancy (or arguably even development) should occur prior to overlay zone approval.

Section 18.350.040D.3. I suggest adding "if any" to the reference to significant natural resources.

Section 18.350.050A. The last reference should be to 18.350.050B.

Section 18.350.050C.2. What does "site coverage" mean. This needs to be defined or explained.

Section 18.350.050C.3. Is there a maximum building height? Should be stated if so.

Section 18.350.050. This section is very long, especially subsection E and has too many levels of subsections to be easily understandable. You may want to readjust the formatting/organization. Maybe approval criteria should be a separate section.

Section 18.350.050E.1. We may want to add "if applicable."

Section 18.350.050E.2.d. You may want to clarify landscaping as to whether natural areas count as landscaping.

Section 18.350.050E.2.e. I do not like the "based on findings" phrase. They should simply be standards or criteria. Findings are required by statute.

Also, in subsection e.i., there is a reference to "minor exception" which is not defined, and appears unnecessary. Possible language: The minimum number of parking spaces is not reduced by more than 10 percent.

Section 18.350.050E.2.f. Again, replace "based on findings that" with "if". Change subsection i to read: The sign area is not increased by more than 10 percent.



Section 18.350.050E.2.i.i. Again, some clarification of "landscaping" may be appropriate. Does this include natural areas? Note also that there is an opening square bracket in the first line. You may want to combine all the various landscaping and open space requirements into a single section. As is, the landscaping and open space provisions are confusing.

Section 18.350.050E.2.j.ii. A random opening square bracket.

Section 18.350.060 As noted above, this is inconsistent with various other provisions as to procedure. Also, subsection B states that the zone change may be processed concurrently with the detailed development plan (actually uses the term detail plan) approval, which is inconsistent with subsection A, which requires that the approved detailed development plan be submitted with the application.

Please let me know if you have questions or comments.

Gary Firestone

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Attachment 8

**From:** "John Frewing" <jfrewing@teleport.com>  
**To:** "Tom Coffee" <Tomc@tigard-or.gov>  
**Date:** 3/8/2006 3:56:59 PM  
**Subject:** Frewing Supplemental Comments on PD Code Changes

Tom, below is the comment memo I promised last night. Thanks for guiding our discussions FORWARD in a pleasant way. John Frewing

TO: Tom Coffee (for forwarding to committee members and Sean)

FM: John Frewing

SUBJ: A Variety of Comments on Clean Draft Distributed at 3/7/06 Meeting

As long as this task has taken, it is still good to let things sit for a bit and revisit them in the light of a new day. On receiving the clean draft distributed at 3/7/06 meeting, I compared it with the previous draft, which we discussed at our 10/26/05 meeting and with my notes of that evening and previous notes, eg the 7/20/05 meeting. I offer the following comments in the spirit of trying to make the new planned development code a strong useful document for whatever remaining sites in Tigard which can use it.

A The definition of 'density bonus' and 'landscaping' existed in the 10/26/05 draft and have now been deleted without any reason per my memory. Both were terms we had discussed at length. My comment is to reinstate them in the revised planned development code language. In the 'landscaping' definition, I would make it consistent with other references in the code language by adding 'developed under the guidance of a licensed landscape architect' after the first word 'Areas'. See use of this term in 18.350.050E.2.d.

B In the first item under the 'Purpose' section of the draft, I would simplify the language by having it read 'To promote development that is consistent . . . '.

C Under 18.350.040A.1, 'Conceptual Development Plan Requirements,' my comment is that the first sentence should start 'A statement of city planning objectives ..'. This will ensure that the applicant keeps his/her focus on city purposes. The second sentence should be supplemented by adding the following: 'and the benefits to the neighborhood and city to be achieved by the planned development over and above benefits which might accrue using a subdivision process.'

D Under 18.350.040A.3, the applicant's intent with regard to selling/leasing lots or building homes him/herself should be supplemented with the requirement for applicant to state his/her view of the role of a homeowners association in common area ownership and maintenance, including other amenities, eg playground.

E Under 18.350.040B.1, the term 'existing site conditions' should be clarified by adding "including physical

features and unusual flora or fauna which occupy the site".

F Under 18.350.040B, an additional element of the narrative should be required, stated as 'Any planned habitat friendly development approaches, eg matters identified in the 'Planning Commission's Toolbox'.

G The approval criteria of 18.350.040D (conceptual development plan) and 18.350.050E (detailed development plan) should each begin with the basic requirement that the submission requirements have been met.

H The approval criteria of 18.350.040D and 18.350.050E should each clarify that the Commission must find that the items below are consistent with the purpose of this section of the code (18.350).

I Reference in 18.350.050A to 'the information contained in 18.350.050A' seems wrong. Maybe reference to 18.350.050B is intended?

J The requirement for contour data in 18.350.050B.1 should be supplemented by adding 'to show compliance with flood plain limits, drainage plans, sight and view distances, etc.'

K In 18.350.050B.3.c, there is a misspelling of 'comer' in line 4 and in line 6, the use of the word 'probably' does not seem consistent with advising applicants of Commission intent - it should be changed to 'preferably'. Similarly, in subitem f. of this subsection, the word 'considered' is not advisory - it should be changed to 'favored'.

L The wording of sections 18.350.050C and D are not in the form of information requirements, but appear to be approval criteria. I suggest moving these sections to the approval criteria section for detailed development plans, 18.350.050E and renumbering as necessary.

M In 18.350.050C.2, the term 'site coverage' appears. Looking at the definitions in the front of Chapter 18 of the TCDC, this definition does not have apparent meaning. I suggest restating the definition of 'site coverage' in a way which will enforce a limit on building and impervious cover over an entire site.

N In 18.350.050C.3, reference to site 'perimeter' should refer to 'exterior lots' as was discussed at the 3/7/06 meeting.

O The construction of 18.350.050C and D should be modified to clarify that BOTH paragraphs include approval criteria. This can be done by adding 'and E. below' to the first sentence of 18.350.050C. In this

same paragraph, subitem 1. should be clarified to indicate that increased densities mean reduced lot sizes - add in parentheses '(eg, reduces lot sizes)'.

P In 18.350.050E2, the current draft has given up the prerogative of the Planning Commission to require additional open space, which exists in the current code. This flexibility should be retained by adding back the appropriate words of 18.350.100B.2 in the existing code. In Approval Criteria 2.b of this same section, the Commission has given up its authority to judge adequacy of access plans by saying that only a professional engineer must demonstrate adequate access - the Commission approval right should be retained by adding a phrase "acceptable to the Commission" after the term 'professional engineer'.

Q In 18.350.050E.2.c.ii, reference is made to project cost, not normally available. As discussed at the 3/7/06 meeting, perhaps public infrastructure cost should be used instead, but then the 1% bonus should be adjusted downward accordingly, perhaps to ¼ %.

R In 18.350.050E.2.g, the term 'sight distance' is used, but it is not defined at the front of the TCDC; it should be defined. The term 'stopping distance', another term used in street design, should also be defined.

S At the detailed development plan stage, 18.350.050B should include the requirement to submit any proposed homeowners association charter for the PD. This is necessary in order for City Attorney to review its adequacy, as noted in 18.350.050E.3.o.ii.

T As we noted at our 3/7/06 meeting the requirements for openspace and landscaping need additional work to make them consistently use the same terminology and work together to produce a development consistent with stated purposes.

Tom, I would appreciate it if you would forward this to all members and carry a copy of these comments forward in the packet for Planning Commission and City Council work sessions on this project. The meeting of 3/7/06 was most useful in planning the latter phases of our committee work.

**CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
March 20, 2006**

**1. CALL TO ORDER**

Vice-President Munro called the meeting to order at 6:59 p.m. The meeting was held in the Tigard Civic Center, Red Rock Creek Conference Room, at 13125 SW Hall Blvd.

**2. ROLL CALL**

Commissioners Present: Vice-President Munro, Commissioners Buehner, Caffall (arrived late), Duling, Haack, Inman, Meads, and Walsh

Commissioners Absent:

Staff Present: Tom Coffee, Director of Community Development; Dick Bewersdorff, Planning Manager; Barbara Shields, Planning Manager; Beth St. Amand, Senior Planner; Jerree Lewis, Planning Commission Secretary

**3. ELECTION OF PLANNING COMMISSION PRESIDENT**

It was decided to hold the vote until Commissioner Caffall arrives. Vice-President Munro said that if the Commission is unable to reach a decision, she would agree to continue as acting President until the Planning Commission vacancy is filled and the new Commissioner has attended a few meetings.

**4. COMMUNICATIONS AND COMMITTEE REPORTS**

The Commission will meet on April 3<sup>rd</sup> for a public hearing on the Wall Street extension; they will meet April 17<sup>th</sup> to discuss buildable lands and incorporation of cities.

- Planning Commission Appointment to Transportation Financial Strategies Task Force -- after Commissioner Caffall arrived, he agreed to serve on this Task Force.

Commissioner Buehner reported on the Transportation Financial Strategies Task Force. They are currently working on the 99W/Hall intersection and the grant for the 99W study. They are proposing a gas tax which may come to Council.

Commissioner Buehner also reported on the City Center Advisory Commission. They decided on recommendations for the Burnham Street projects and had some suggestions for major revisions to the Transportation System Plan, e.g., the bike plan.

Commissioner Meads advised that the Park and Recreation Advisory Board is moving ahead on forming an organized recreational program for Tigard. They will ask Council for staff funding to do studies. There may be a bond measure in the future. Regarding the purchase of park land, the City will approach people who have property of interest to the Board to see if there are any willing sellers. Meads said she had read that the lease on Potso Dog Park goes thru 2012. In the meantime, the City is looking for other sites for another dog park.

Commissioner Duling reported on the Committee for Citizen Involvement. She said at their last meeting, they met with the principals from Fowler Middle School and Metzger Elementary School to discuss public involvement in local schools. They also had a neighborhood program update from Liz Newton. The School Board encourages linking the neighborhood program to the schools. Each neighborhood will have their own web page at some point.

Commissioner Haack advised that the Tree Board has 2 nominations for recognition of being a "Heritage Tree". One is on property being considered for development. The developer is considering reducing the size of one of the houses to preserve the tree. The Tree Board also discussed the trees in the Costco parking lot. The store was built 12 yrs ago and had a condition that the trees would have a 35% canopy by year #20. The City Arborist estimates it to be 1% in year #12. The Tree Board will research what options Costco may have to re-engineer their parking lot or do something else.

Haack asked about the development on SW North Dakota where 8 major trees that were supposed to be saved were cut down. Dick Bewersdorff advised that this was a big mistake. The contractor was given the wrong set of plans. Bewersdorff said the developer would be fined \$500, plus pay \$24,000 for mitigation, and give us an assessment for the value of the trees.

## **5. COMPREHENSIVE PLAN UPDATE – PUBLIC INVOLVEMENT PROGRAM**

Planning Manager Barbara Shields advised that the public involvement process will comply with the current Comprehensive Plan. Senior Planner Beth St. Amand handed out a revised chart listing tasks and completion dates (Exhibit A). She advised that the current Comprehensive Plan includes having the Committee for Citizen Involvement (CCI) review the public involvement program. She met with the CCI in February and they provided comments to her. The Planning Commission will act as the steering committee for the update. The PC work sessions will be public work sessions; some sessions will be for public comment.

St. Amand said there are three different ways to approach the citizen involvement:

1. Provide information – make sure everyone knows what's going on, when the meetings are, what the community can expect from this process, basic language
2. Outreach – how can we get out into the community; use the pilot program for the Neighborhood Program; tap into other board & committees
3. Involvement – public work sessions, interactive open houses to get input

There will be 6 topic areas and staff will develop a specific program for each.

St. Amand advised there will be a community attitude survey conducted every other year. The first survey will be a benchmark. One topic this year will be the Comprehensive Plan.

The Planning Commissioners had the following comments/suggestions:

- The information in the Oregonian and Times is not always accurate and never includes the agenda item.
- Look at going to the Chamber, Kiwanis, etc.
- How can we get a diversity of people here – maybe hold coffee talks.
- Give people a reason to care.
- Use e-mail for folks who don't want to leave their home but want to participate.
- Consider a live workshop on cable access where people can call in.
- A 5 minute stream on the website.
- Contact neighborhood associations/homeowner's associations.
- Use the SW weekly section of the Oregonian to keep it in front of people all the time, e.g., "Did you know?"
- One of the biggest hurdles will be helping people see how will it impact them personally.
- Develop some "hook developing mechanisms" for bringing people in.

The Planning Commission agreed that the general structure of the proposed public involvement program fits with the Comprehensive Plan. The next Planning Commission meeting will be dedicated to discussing buildable lands.

## VISITOR

Donya Wiland shared her thoughts with the Commission about living in Tigard. She is concerned about how much land is being ripped up for multiple housing. She has ideas for making Tigard a desirable place to live. She suggests giving tax breaks to people if they won't sell/develop their property for 20 years. This will help to control traffic. Possibly, the loss in tax revenue could be made up by increasing taxes to others already in living here. She believes that if Tigard was more desirable, we could concentrate on the people who want to stay.

She referred to the City of Avalon. They allow x amount of people to live there, x amount

of cars on site, and there's a waiting list of people wanting to move there. For the Comprehensive Plan public outreach, she suggested putting flyers into grocery bags.

## **6. WORKSESSION WITH PLANNED DEVELOPMENT REVIEW COMMITTEE – RECOMMENDATION TO COUNCIL**

Additional Planned Development Code Review Committee members in attendance: Sue Beilke, Alice Ellis-Gaut, John Frewing

Tom Coffee reported that when the Planning Commission had their joint meeting with Council, the issue of code revision was discussed. Council is anxious to see a product referred to them. Staff met with the Code Review Committee recently and brought everyone up to date on the status of the revisions. The Commission can review the recommendations and provide input. The Committee will have a worksession with Council on April 18<sup>th</sup> to discuss the recommendations. The Council will then decide if they would like to initiate an amendment.

Commissioner Buehner provided details for the 15 recommendations listed in her 3/9/06 memo to the Planning Commission [in the Commissioner's packet]:

- #1 – The toolbox will be streamlined.
- #2 – Should also look at implementing this in the subdivision code as well.
- #3 – The code section should read 18.350.050 B 3 (d)(e).
- Enact the purpose clause as written.
- #5 – May not be feasible because of 120 day rule.
- #6 – The Committee came up with more classifications. More work needs to be done on this item.
- #7 – Sustainable development refers to storm water issues.
- #8 – Sometimes the application submitted to the City differs substantially from what was presented at the neighborhood meeting and those attending the meeting have no idea that changes have been made.
- #9 – Suggestions for developers going through the PD process.
- #10 – More work needs to be done on this.
- #11 – This also needs to be looked at in the Comp Plan – do we want to follow Metro's directives?
- #12 – Parcels can be downzoned to lower densities.
- #13 – Density bonuses should be earned – it should not be a presumption.
- #14 – This can't be done in the PD Code, but there is a side recommendation.
- #15 – This is an issue of guidelines to the developer, giving them more structure.

Buehner highlighted the side recommendations listed in her memo. Regarding #7, the



Committee wonders if there's a possibility of creating an Open Space Zone. Tom Coffee noted that rezoning of private property for open space would be considered a "taking". The current maps showing green open space only indicates designation of a resource (floodplain, wetland, etc.).

Regarding the last comments in her memo, Buehner said she agrees with the City Attorney about the overlay zone. She believes the code should be rewritten to make it less open to litigation.

Comments from the Planning Commissioners and Committee members:

- Has anyone looked into the impact on staff and Planning Commission with how the new process will work? Tom Coffee responded that the more steps added, the longer it takes for staff to process. On the other hand, these revisions may be more a function of the way staff addresses issues and writes their reports. Bewersdorff noted that if there is a separation between the conceptual plan and the detail plan, there may be 2-3 hearings for each case. Also, because of a longer processing time, costs and fees will increase. Separating the conceptual plan from the detail plan and having a third step of a zone overlay at the end may create three steps of appeals.
- The concern was raised as to whether this could all be done within the 120 day timeline.
- A concept may be easier to debate because it's more of a sketch. There may be more give and take than with a detail plan.
- This is a way to help the Commission become comfortable with the language and being trained. Also, expectations can be set for staff.
- The 120 day rule clock starts when the application is deemed complete. Using a toolbox, staff doesn't have to say an application is complete until they get something that looks like it might pass.
- Did the Committee discuss how to offset additional maintenance costs to the City for open space? Commissioner Buehner said the majority of the space will be open and will require minimal maintenance, plus Council would like to increase park and open space. Staff said maintenance will be an issue for parks staff. Sue Beilke suggested that voters may be willing to approve a park maintenance fee measure.
- Who defines the types of open spaces, e.g., conversion of natural area? Staff answered that it would be in the Parks Master Plan.

John Frewing referred to his e-mail to Tom Coffee (Appendix F). For comment D, he would like to have the applicant's intent supplemented with the requirement for them to state their view of the role of a homeowner's association in common area ownership and maintenance. For comment G, he would like to see that the approval criteria for both the conceptual plan and the detailed plan begin with the requirement that submission requirements have been met. For comment H, he would like to clarify that the Commission find that the items (various descriptions of what has to come in) are consistent with the

purpose of the section of the code. This ties the review back to the purpose. For comment P, he would like to retain the flexibility of the Planning Commission to require open space by adding back words of code section 18.350.100B.2.

Commissioner Buehner brought up the need for dedication of easements on private streets for people to be able to access public open space.

## 7. OTHER BUSINESS

Vice-President Munro advised that she had talked to Tom Coffee about training for the Commission. She also noted that there may be other areas in which the Commission could provide policy direction to Council.

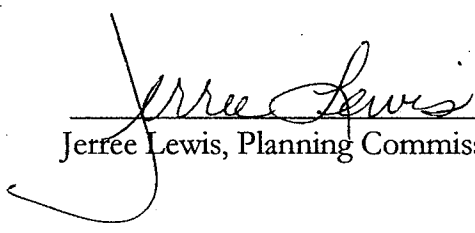
Tom Coffee briefed the Commission about the possibility of Walmart coming to Tigard. He said Walmart has not contacted any City official as of this date. However, Pactrust has held a pre-application meeting for a 220,000 square foot "big box" at Dartmouth and 72<sup>nd</sup> Ave. We do not know if the two are connected or not.

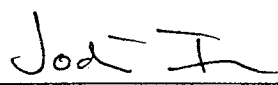
Commissioner Buehner advised that Gramar Development has proposed a new 180,000 Fred Meyer complex in the Beaverton quarry area, which is currently zoned for 50,000 maximum. They are asking for a zoning change to allow this. She thinks this issue may happen in Tigard.

Election of Planning Commission President – Jodie Inman was elected as the new President.

## 8. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

  
\_\_\_\_\_  
Jerree Lewis, Planning Commission Secretary

  
\_\_\_\_\_  
ATTEST: President Jodie Inman

# ATTACHMENT 1

## Public Participation Program

	Phase 1 begins		Phase 2 begins					Phase 3 begins					Phase 4 begins			Phase 5			
	April	May	June	July	Aug	Sep	Oct.	Nov.	Dec	Jan	Feb	March	April	May	June	July	Aug	Sep	Dec
<b>1. Information</b>																			
1.1 Get the Word Out	■	■																	
1.2 Set up News Network	■	■																	
Issue Press Releases	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
1.3 Make Materials Accessible	All Phases																		
1.4 Produce Citywide updates									■								■		
1.5 Maintain interested parties list	All Phases																		
<b>2. Outreach</b>																			
2.1 Board/Committee updates		■						■				■						■	
2.2 Neighborhood updates		■						■				■						■	
2.3 Additional outreach	As needed																		
<b>3. Involvement</b>																			
3.1 Use Citizen Surveys	■																		
3.2 Tigard Beyond Tomorrow								■								■			
3.3 Conduct Open House/Tours						■		■		■									
3.4 Youth and Schools																			
3.5 PC Work Sessions				■		■		■	■		■		■		■		■	■	
3.6 Council Updates																			
3.7 Public Hearings																		■	
3.8 CCI meetings							■				■						■		

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF \_\_\_\_\_

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Proposed Amendments to Tigard Municipal Code to Create a Rights of Way Ordinance with a Street Cut Moratorium

PREPARED BY: Nancy Werner DEPT HEAD OK  CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Discuss amendments to the Tigard Municipal Code to create a Rights of Way Ordinance that would implement a street cut moratorium, clarify existing utility franchise requirements, and eliminate redundant provisions of the Code.

STAFF RECOMMENDATION

Provide guidance to staff regarding the implementation of a street cut moratorium and a new Rights of Way Ordinance.

INFORMATION SUMMARY

Staff has been considering options for improving the management and quality of the City's streets and rights of way. One of the main factors in the deterioration and reduced service life of City streets is street cuts by utilities installing facilities in our rights of way. Studies have shown that streets with pavements cuts can exhibit a 33% loss in remaining service life, and that a street cut impacts the pavement from three to six feet around the cut. Cuts can lead to more rapid fatigue cracking, and if the cuts are improperly sealed, can allow water to wash away fine materials from the underlying base and subgrade, which results in a loss of pavement strength. The more cuts on the pavement, the more likely it is that water will penetrate and weaken the street.

This physical damage results in higher costs to the City for maintaining, repairing, resurfacing and rebuilding the streets. Some of these costs include: increased overlay thickness required to compensate for the presence of the cut, shortened period of time between rehabilitation and maintenance, and more costly rehabilitation due to a weakened base or subgrade layer through slumping of the trench sides.

Proposed Moratorium:

After discussions among departments that would be impacted by or charged with enforcing new limits on street cuts, staff recommends a two-part street cut moratorium:

1. New Streets: Street cuts would not be allowed for 5 years on newly constructed, reconstructed or improved streets.
2. Streets With Recent Major Utility Work: Street cuts would not be allowed within 400 feet of a major utility installation or upgrade that occurred within the last 12 months, so long as the utility requesting the cut had notice of the prior installation or upgrade. This prohibition would apply regardless of the age of the street.

The City Engineer could grant exceptions to both parts of the moratorium for (1) emergencies, (2) small cuts necessary to locate existing utilities when boring under the street, and (3) when there is no other feasible way to provide service. In granting an exception, the City Engineer could impose conditions determined to be appropriate to completely restore the street and pavement surface. Conditions may include surface grinding, base and sub-base repairs, or

similar work, and may include up to a full-width surface paving of the roadway of not more than 70 feet in either direction from the cut.

Together, these two measures will reduce street cuts, improve coordination of construction, increase the service life of City streets, and reduce the delays and inconveniences associated with utility construction in the rights of way.

#### Implementation:

In reviewing the Tigard Municipal Code to determine the appropriate Chapter for a street cut moratorium, staff recognized that the current Code provisions regulating use of the City's rights of way are located in two different chapters: a "Telecommunications Franchise Ordinance" (Chapter 5.14) and a Chapter on "Work in the Right of Way" (Chapter 15.04). The former Chapter applies only to telecommunications providers and sets out the application process for, and terms of, telecommunications franchises. The latter requires a franchise for any person seeking "annual permits" to work in the rights of way, but does not set out the specific requirements for obtaining a franchise. Both Chapters set out similar, but not identical, construction standards and requirements.

Staff recommends that Council consider combining these two Chapters into a Rights of Way Ordinance to clarify utility franchise requirements, eliminate redundant construction provisions, and ensure that the street cut moratorium, if implemented, will apply to all utilities using the City's rights of way. This new ordinance would include the following:

- The existing permit requirements, construction regulations and regulations for driveway approaches from the Right of Way Chapter.
- The franchise provisions of the current Telecommunications Franchise Ordinance, which will be revised to apply to all utilities.
- The Rights of Way Restoration Policy, which would include the street cut moratorium described above.
- The existing construction coordination provisions with a new notification requirement for the installation or upgrading of facilities of 400 feet or more in length.

If Council directs staff to pursue these amendments, staff will submit a draft of the revised Chapter to franchised utilities for comment. A final draft incorporating these comments will be presented to Council for review and approval.

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#### OTHER ALTERNATIVES CONSIDERED

None considered at this time.

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#### COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The street cut moratorium and recommended Code amendments would contribute to the Tigard Beyond Tomorrow goals of "Improve Traffic Safety" and "Improve Traffic Flow." The purpose of the moratorium and the amendments are to improve the management of the City's rights of way, reduce the delays and safety issues associated with lane closures, and to improve the quality and service life of City streets.

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#### ATTACHMENT LIST

1. Draft Right of Way Restoration Policy

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#### FISCAL NOTES

There is no cost associated with the amendments beyond staff time and City Attorney review.

## ATTACHMENT 1

### Right of Way Restoration Policy

1. Except as provided in paragraph 3 of this Section, after any street has been constructed, reconstructed, paved or improved by any person, the pavement surface shall not thereafter be cut or opened for a period of 5 years.
  - a. The City Engineer shall make the final determination on what construction or improvement will result in a limitation set forth in paragraph 1 of this Section and shall create, maintain and make available to the public a list of the streets and street segments subject to the limitation. Only streets named on the list shall be subject to the limitation set forth in paragraph 1.
  - b. The five year limitation period shall begin upon the City's acceptance of the completed street or street improvements.
2. Except as provided in paragraph 3 of this Section, after any street has been cut or opened for the installation or upgrading of utilities that are 400 linear feet or greater, the pavement surface within 400 feet of the previous cut or opening shall not be cut or opened for a period of 12 months, provided that the person requesting to cut or open such a surface received notice of the prior street cut or opening pursuant to Section [insert reference to "Coordination of Construction" section]. The 12 month limitation period shall begin upon the utility's completion of the restoration of the street.
3. The City Engineer or designee shall grant exceptions to the prohibitions set forth in paragraphs 1 and 2 of this Section when cutting or opening the street is required to locate existing facilities when tunneling, boring, or pushing under the street and to provide necessary utility services to a property where no other practicable alternative exists. The City Engineer or designee may grant exceptions to the prohibitions set forth in paragraphs 1 and 2 of this Section when, in the sole discretion of the City Engineer, compelling circumstances warrant the cutting or opening of the street.
  - a. In granting an exception, the City Engineer may impose conditions determined to be appropriate to completely restore the street and surface paving. Conditions may include surface grinding, base and sub-base repairs, or similar work, and may include up to a full-width surface paving of the roadway of not more than 70 feet in either direction from the cut.
  - b. In the event that the City Engineer requires the partial or full repaving of street segment, a bond must be provided to the City in the amount of the estimated cost of the repaving.
  - c. The denial of a request for an exemption or the conditional approval of an exemption under this Section may be appealed to the City Manager, whose decision will be final and binding. Appeals must be in writing and received by the City Manager not more than 15 business days after the applicant's notice of the denial of the request.

4. Notwithstanding the provisions of this Section, in emergency situations, verbal authorization may be granted by the City Engineer or designee for an exception to the limitations set forth in this Section. Emergency situations are those in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property. Verbal authorization shall be subsequently documented in writing by the City Engineer or designee, and the owner of the facility shall be subject to any restoration conditions imposed by the City Engineer pursuant to paragraph 3.
5. Within three years after this provision becomes effective, the City Engineer or designee shall review the application and effectiveness of this Section. The review shall include measurement of its impact on the quality and surface life of City streets, City and utility compliance with this Section, and the circumstances of exceptions granted and conditions imposed under paragraph 3.

#### Coordination of Construction

1. Prior to January 1 of each year, each utility shall provide the City with a schedule of known construction work for that year in the City's rights of way or that may affect the rights of way.
2. Each utility shall meet with the City at least once per calendar year, at the request of the City, to schedule and coordinate work in rights of way. The City shall share with utilities information on plans for other construction projects within the rights of way.
3. All construction projects within rights of way shall be coordinated as ordered by the City Engineer or designee, to minimize public inconvenience, disruption, or damage.
4. At least 60 days prior to installing a new facility or performing a facility upgrade within the right-of-way that is 400 linear feet or greater, the utility intending to install such facilities shall provide notice to the City and all other utilities identified by the City as utilities that are franchised or permitted to place facilities within the project area.
  - a. The notice must be provided in a manner which documents receipt of notice by utilities.
  - b. The notice shall state the anticipated location, project schedule and general description of the proposed work. No permits for work shall be issued until notice has been given and other utilities have had adequate time to coordinate construction.
5. All utilities performing work in the rights of way subject to the notice requirement set forth in paragraph 3 of this section shall cooperate with other utilities with permits to do work in the same location at or near the same time to coordinate construction and colocate facilities.

6. Nothing in this section shall require a utility to reveal proprietary information. A utility shall signify any proprietary information as such and the City will protect such information from disclosure to the extent allowed by law.
7. The notification requirement set forth in paragraph 3 of this section shall not be required for the installation of facilities in new developments that are being processed through the private development review process.



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF \_\_\_\_\_

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Revisions to the Tigard Municipal Code to Incorporate a Privilege Tax

PREPARED BY: Nancy Werner DEPT HEAD OK *[Signature]* CITY MGR OK *CP*

ISSUE BEFORE THE COUNCIL

Discuss revisions to the Tigard Municipal Code to establish Council's authority to set a privilege tax by resolution.

STAFF RECOMMENDATION

Direct staff to draft an amendment to the Tigard Municipal Code to establish Council's authority to set a privilege tax by resolution.

INFORMATION SUMMARY

In a prior discussion with Council on December 13, 2005, Council directed staff to consider implementation of a privilege tax, potentially limited to telecommunications providers. After reviewing the relevant provisions of the Tigard Municipal Code, staff recommends revising the Code to establish a privilege tax that Council could set by resolution.

"Privilege tax" is a term from the Oregon Revised Statutes that refers to a fee that a municipality may charge to utilities for use of the municipality's rights of way. The privilege tax is similar to the franchise fee the City currently receives from utilities pursuant to franchise agreements between the City and the utilities using its rights of way. The primary difference is that the franchise fee is established in franchise agreements whereas a privilege tax is imposed by the Council.

Staff recommends revising the Code to incorporate a privilege tax provision that would:

- Authorize Council to adopt a privilege tax by the City's Master Fee Resolution;
- Potentially apply to any utility using the City's rights of way, but ONLY if Council's resolution sets an applicable privilege tax; and
- Allow utilities to deduct any franchise fees paid from the privilege tax owed.

The proposed privilege tax provision would have the following advantages:

- Council would be authorized to pass a resolution implementing the 5% telecommunications privilege tax previously discussed;
- Council would have the flexibility to implement a privilege tax by resolution rather than amending the Code if, in the future, it decides to apply a privilege tax to other utilities;

- Council could set the privilege tax at the same rate as the existing franchise fee so that it would impact utilities only after their franchise expired or was terminated (as discussed with respect to telecommunications providers); and
- Council could set a privilege tax rate that is higher than the existing franchise fee, up to the privilege tax limit set by state law, thereby earning more revenue than the current franchise fees. (State law appears to limit the privilege tax that can be applied to most private utilities to 5% of gross revenues. The maximum statutory limit for a telecommunications privilege tax is 7% of revenue from local exchange access only.)

If Council directs staff to pursue this amendment, staff will submit a draft of the revised Chapter to Council for review and approval.

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#### OTHER ALTERNATIVES CONSIDERED

None considered at this time.

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#### COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The privilege tax would contribute to the Council Goal to “Stabilize Financial Picture” and the Tigard Beyond Tomorrow goal to “Identify and Develop Funding Resources” for Transportation and Traffic by providing additional revenue that would be available to the General Fund, or which could be used to supplement other funding resources for improvements to City streets.

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#### ATTACHMENT LIST

None.

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#### FISCAL NOTES

Implementing a privilege tax could generate the following additional revenues for the City:

UTILITY	CURRENT FEE (% of gross revenues)	POTENTIAL FEE/TAX	EST. ADDITIONAL REVENUE
Electric	3.5%	5%	\$540,000
Natural Gas	5%	5%	\$0
Telecommunications	5%	7%	\$128,000
Water	0%	5%*	\$230,000
Sewer	0%	5%*	\$57,000
<b>Total</b>			<b>\$955,000</b>

\* State law allows the City to charge a higher rate; 5% is used for illustrative purposes.